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ABSTRACT

The state plan for the education of children with handicapping conditions required by P.L. 94-142, the Education for All Handicapped Children Act, specifies goals, priorities, and programs of New York State. Following submission statements and certifications, a section on the purpose of the plan lists learning goals for all children in the state and provides detailed information on specific handicapping conditions and related programs and services. The policy of least restrictive environment is addressed. An overview section highlights such topic areas as early childhood special education, problems in urban and rural settings, incarcerated handicapped youth, and coordination among agencies serving handicapped children. Another section on guaranteeing handicapped children's rights describes federal and state laws and regulations regarding the education of handicapped children. Two separate sections address New York's public and nonpublic school system and the State Education Department, Office for Education of Children with Handicapping Conditions respectively. The final section presents a detailed picture of how the state will meet its responsibilities for educating students with handicapping conditions. The plan is organized according to six foci: monitoring, training, technical assistance, information dissemination, direct services, and funding. Statewide totals for children served are appended. (CL)

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EDUCATING CHILDREN WITH HANDICAPPING CONDITIONS IN NEW YORK STATE

THE NEW YORK STATE PLAN, JULY 1, 1986 TO JUNE 30, 1989
SUBMITTED UNDER THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (P.L. 94-142)

1987 - 1989

The University of the State of New York
The State Education Department

Approved by the Board of Regents

March 1986

NEW YORK
THE STATE OF LEARNING

EC 200 536

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FOREWORD

The State Plan for the education of children with handicapping conditions is the public statement of the goals, priorities and programs of the State Education Department.

The Plan was written for the handicapped children of New York State, their parents, educators and other interested persons. It explains how the State meets the requirements of the Federal Education For All Handicapped Children Act. It also includes New York State practices which comply with other Federal and State laws and regulations that affect handicapped children.

Questions and comments regarding the plan are greatly appreciated and may be forwarded to:

The New York State Education Plan for Education
of Children with Handicapping Conditions
Division of Program Development
Room 1071-Education Building Annex
Albany, New York 12234

This document does not include the full set of appendices referenced, however, complete sets are available for public review at each of the OECHC Regional Offices listed below:

REGION I
Richmond Avenue
Batavia, NY 14020
(716) 344-2112

REGION III
Cultural Education Center
Room 9-C-49 CEC
Empire State Plaza
Albany, NY 12230
(518) 474-5356

REGION IV
Two World Trade Center
Room 8424
New York, NY 10047
(212) 488-4450

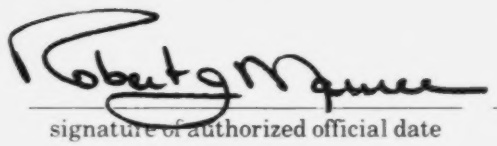
REGION V
Salisbury Center
Valentines and The Plain Road
Westbury, NY 11590
(516) 997-8700

REGION VI
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010

PART I – SUBMISSION STATEMENTS AND CERTIFICATIONS

SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of New York State, hereby submit the following State Plan for Fiscal Years 1987-1989 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.



signature of authorized official date — April 25, 1986 — date

Robert J. Maurer, Executive Deputy Commissioner of Education

typed name and title

ASSURANCE STATEMENTS

The State of New York makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412 (7)(A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2771-2772) and the Vocational Education Act of 1984 (20 U.S.C. 2332), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413 (a)(2)).

III. Federal funds made available under the Act (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this clause if he concurs with the evidence provided by the State (20 U.S.C. 1413 (a)(9)).

IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under the Act and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsiblities under 20 U.S.C. 1418 (20 U.S.C. 1413(a)(12)).

GENERAL STATE APPLICATION – EDGAR ASSURANCE

The State educational agency has submitted to the Secretary a certified general application containing the assurances set out in 34 CFR 76.101 and this application is consistent with current Federal and State law.

__X__ YES _____ NO

CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104, the State educational agency assures:

I. That the plan is submitted by the State agency that is eligible to submit the plan.

II. That the State agency has authority under State law to perform the functions of the State under the program.

III. That the State legally may carry out each provision of the plan.

IV. That all provisions of the plan are consistent with the State law.

V. That a State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.

VI. That the State officer who submits this plan, specified by title in the certification, has authority to submit the plan.

VII. That the agency that submits the plan has adopted or otherwise formally approved the plan.

VIII. That the plan is the basis for State operation and administration of the program.

PUBLIC PARTICIPATION

The provision for public participation in the preparation of this Plan is described in detail on page 3 of the Plan. This description reports that a draft of the Plan was circulated throughout the State on December 1, 1985 which was 150 days prior to the anticipated date of submission to the Secretary. The public was provided 60 days to make comment and submit information for planning purposes. During this period, on December 12, 1985, six public hearings were conducted simultaneously in accordance with the public notices published twice in the State Register and six newspapers having broad regional and State circulation. A review of testimony received at these hearings and posted by January 31, 1986, was conducted and summaries of these data were presented to the New York State Board of Regents for their review prior to adoption of the Plan. Documentation of these events are included as Appendix D to this Plan. Also, page 16 of the plan describes additional areas of special interest identified during the period of review and commentary by the public, the State's advisory panel, and the Board of Regents.

CIVIL RIGHTS CERTIFICATE

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975

The applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Education.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.
3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.
4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.
5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply, the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may, at its discretion, seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application and to commit the applicant to the above provisions.

Date

Authorized Official(s)

New York State Education Department

Name of Applicant or Recipient

Washington Avenue & Hawk Street
Room 125 Education Building

Street

Albany, NY 12234

City, State, Zip Code

PART II – SUBSTANTIVE REQUIREMENTS

TABLE OF CONTENTS IN RELATION TO FEDERAL REQUIREMENTS

The following table presents the content of the FY 1987-89 State Plan in relation to Federal requirements for a complete, intact document which addresses the items listed. Under Column A, a check ( ) indicates that the content of the plan with respect to the checked item represents a change from the FY 1984-86 State Plan. Under Column B, the pages where the particular item is addressed are indicated by page number.

	Item	(Column A) Changed from FY 84-86 Plan	(Column B) Pages in FY 87-89 Plan
I.	Right to Education Policy Statement (20 U.S.C. 1412 (1) and 1412 (2)(B); 34 CFR 300.121-122)		3,4
II.	Full Educational Opportunities Goal (20 U.S.C. 1412(2)(A); 34 CFR 300.123-126)(See Footnote #1)		3,4,9
III.	Policy on Priorities (Optional) (See Footnote #2)		9-16
IV.	Child Identification (20 U.S.C. 1412(2)(C); 34 CFR 300.128)		106-113
V.	Individualized Education Program (20 U.S.C. 1412 (4); 34 CFR 300.130)		24-28
VI.	Procedural Safeguards (20 U.S.C. 1412 (5) (A); 34 CFR 300.131)		28-33
VII.	Least Restrictive Environment (20 U.S.C. 1412 (5) (B); 34 CFR 300.132) (See Footnote #3)		3-5
VIII.	Protection in Evaluation Procedures (20 U.S.C. 1412(5)(C); 34 CFR 300.133)		24-28
IX.	Comprehensive System of Personnal Development (20 U.S.C. 1413 (a)(3); 34 CFR 300.139) (See Footnote #4)		56-69
X.	Participation of Private School Children (20 U.S.C. 1413(a)(4)(A); 34 CFR 300.140; 34 CFR 76.651-76.663)		38
XI.	Placement in Private Schools (20 U.S.C. 1413 (a)(4)(B); 34 CFR 300.140)		38
XII.	Recovery of Funds for Misclassified Children (20 U.S.C. 1413 (a)(5); 34 CFR 300.141)		93
XIII.	Notice and Opportunity for Hearing on LEA Application (20 U.S.C. 1413 (a)(8); 34 CFR 300.144)		93

[1] *Full Educational Opportunity Goal.* Data requirements for 34 CFR 300.124-300.126 are met through the submission of the Annual Data Report (ED 869).

[2] *Policy on Priorities (20 U.S.C. 1412 (3)(C); 34 CFR 300.127)* The requirement that States establish priorities has been superseded by the requirement that, as of September 1, 1980, all handicapped children in a State have available to them a free appropriate public education. Therefore, this plan requirement no longer applies.

[3] *Least Restrictive Environment.* Data requirements for 34 CFR 300.132 are met through the submission of the Annual Data Report (ED 869).

[4] *Comprehensive System of Personnel Development.* It is not necessary to include in the State plan tabular data on personnel employed and personnel needed. These data are now submitted in the Annual Data Report (ED 869).

		(Column A) Changed from FY 84-86 Plan	(Column B) Pages in FY 87-89 Plan
XIV.	Annual Evaluation (20 U.S.C. 1413 (a)(11); 34 CFR 300.146)		47,53
XV.	Additional Requirements		
	A. Responsibility of SEA for All Education Programs (20 U.S.C. 1412(6); 34 CFR 300.134)		47,53
	B. SEA Monitoring Procedures (34 CFR 76.101(e)(3); 34 CFR 300.128 (a)(5), 300.130(b)(2), 300.402(a), 300.556)		47-55
	C. Polices and Procedures for Use of Part B Funds (20 U.S.C. 1413 (a)(1); 34 CFR 300.148)		88,92-105
	D. Direct Services by the SEA (20 U.S.C. 1413(b); 34 CFR 300.151		84-87
	E. Implementation Procedures – SEA (20 U.S.C. 1412(6); 34 CFR 300.136		79-83
XVI.	Confidentiality (20 U.S.C.1412 (2)(D); 34 CFR 300.129)		31

USE OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, PART B (EHA, PART B) FUNDS

New York State's plan for the use of EHA, Part B funds for fiscal years 1987-1989 is described on pages 88 through 105 of this document. These pages report that 75 percent of the total EHA, Part B allocation is distributed to local education agencies based upon the number of handicapped children between the ages of three and twenty-one years who are receiving special education programs and services in the public schools. The remaining 25 percent of the allocation is held by the State for purposes of administering the provision of this plan (5 percent) and for establishing special projects to meet statewide leadership and training objectives.

INTRODUCTION TO NEW YORK STATE'S PLAN

INTRODUCTION

This Plan is written for two purposes:

- to serve as the State Plan for the three-year period of July 1, 1986 through June 30, 1989 which is required by the Federal government as a condition for receiving Federal monies. This requirement is found in the Education for All Handicapped Children Act, (P.L. 94-142) passed by Congress in 1975.
- to explain to all New York State citizens how children with handicapping conditions are served by the State's education system.

CONTENTS OF THE PLAN

This Plan contains:

- a section called PURPOSE OF THE PLAN which describes how the State provides all handicapped children with a free appropriate public education in least restrictive school settings. This section includes a STATEMENT OF BELIEF, a report of the NUMBER OF HANDICAPPED CHILDREN AND HOW THEY ARE SERVED.
- a section entitled OVERVIEW OF THE NEW YORK STATE PLAN which provides an OVERVIEW OF GOALS, APPROACHES, AND SPECIAL AREAS OF INTEREST for the next three years.
- a section entitled GUARANTEEING THE RIGHTS OF CHILDREN WITH HANDICAPPING CONDITIONS, describing the Federal and State LAWS, REGULATIONS and POLICIES with which school authorities must comply. This section also contains a description of PROCEDURAL SAFEGUARDS available to all children, as well as major COURT DECISIONS.
- a section entitled THE SCHOOL SYSTEM IN NEW YORK STATE which includes local public and nonpublic schools, Boards of Cooperative Educational Services (BOCES), State-operated and State-supported schools, as well as in-state and out-of-state private schools.
- a section which describes the New York State Education Department's ORGANIZATION of the Office for Education of Children with Handicapping Conditions (OECHC). This section also describes the work of the COMMISSIONER'S ADVISORY PANEL.
- the NEW YORK STATE PLAN, 1987-1989, which reports the activities of the OECHC during the last three-year planning period and a number of CONTINUING NEEDS and specific OBJECTIVES AND EXPECTED RESULTS for the three-year period beginning July 1, 1986 and ending June 30, 1989.
- a DATA section which reports, in detail, the number of handicapped children served and the way in which they are served. This information is presented as total statewide data.
- an APPENDIX which includes copies of important LAWS, REGULATIONS and other DOCUMENTS which may assist New York State citizens and others who are interested in the education of children with handicapping conditions.

PREPARATION OF THE PLAN

The preparation of this Plan was carried out according to the following schedule:

- by December 1, 1985, a draft of the Plan was completed, printed and distributed to the public for review and commentary. Four thousand copies were printed and distributed to each Board of Cooperative Educational Services (BOCES) and their component districts, the community school districts of New York City, approved private schools, Special Education Training and Resource Centers (SETRC), Early Childhood Direction Centers (ECDC), advocacy organizations, the State University System and other individuals and groups included on the State Plan mailing list.
- On October 31 and December 2, 1985, public notices were published in the State Register and nine major newspapers throughout the State, announcing the beginning of a sixty-day period for public review and commentary. Copies of these notices are attached as Appendix D.
- On December 12, 1985, six hearings were held across the State as follows:

- Western Region – Buffalo, NY
- Central Region – Syracuse, NY
- Southern Tier – Binghamton, NY
- Northeastern Region – Glens Falls, NY
- Southeastern Region – New York City and Long Island

- On January 31, 1986, the period for public commentary ended;
- A draft of the Plan and a summary of public comment were presented for discussion by the Board of Regents at their February meeting;
- On March 21, the final Plan was considered for approval by the Board of Regents for submission on or about May 1, 1986.
- On April 29, the Plan, as approved by the Regents, was forwarded to the appropriate Federal government offices for review and approval.
- Documents pertaining to these events will be presented as Appendix D to this plan.

PURPOSE OF THE PLAN

A STATEMENT OF AFFIRMATION

It is New York State's affirmation that all children with handicapping conditions who are entitled to a free public education be fully provided the appropriate special educational opportunities they may require to achieve the following learning goals held for all pupils in the State by the State Board of Regents.

LEARNING GOALS HELD BY THE BOARD OF REGENTS FOR ALL CHILDREN IN NEW YORK STATE

- Mastery of the basic skills of commmunication and reasoning essential to live a full and productive life.
- Ability to sustain lifetime learning in order to adapt to the new demands, opportunities, and values of a changing world.
- Ability to maintain one's mental, physical, and emotional health.
- Understanding of human relations – respect for and ability to relate to other people in our own and other nations – including those of different sex, origins, cultures, and aspirations.
- Competence in the processes of developing values which are essential to individual dignity and a humane civilization.
- Knowledge of the humanities, social sciences, and natural sciences at a level required to participate in an ever more complex world.
- Occupational competence necessary to secure employment commensurate with ability and aspiration and to perform work in a manner that is gratifying to the individual and to those served.
- Knowledge and appreciation of our culture and capacity for creativity, recreation, and self-renewal.
- Understanding of the processes of effective citizenship in order to participate in and contribute to the government of our society.
- Knowledge of the environment and the relationship between one's own acts and the quality of the environment.

SPECIAL EDUCATION FOR ALL HANDICAPPED CHILDREN

Special education programs and services shall be provided according to each individual handicapped child's needs and shall be described in an INDIVIDUALIZED EDUCATION PROGRAM (IEP). The purpose of the IEP is to describe the school's annual plan to provide the child a FREE APPROPRIATE PUBLIC EDUCATION in the LEAST RESTRICTIVE school setting. Its purpose is also to guide the child's teachers and parents in providing ongoing learning experiences and reviewing the child's progress toward specific learning goals. The IEP is to be reviewed and revised as needed at least annually and shall be in effect at the beginning of each school year.

SPECIAL GROUPS REQUIRING SERVICES

While considerable attention has been given to the education of handicapped children in general over the past ten years, efforts must be made to extend effective educational services to special groups, including children below the age of five years, youth of low-income, minority and non-English-speaking populations, youth who have dropped out of school, who are unemployed or underemployed, and troubled youth who are neglected, delinquent or currently placed in State and county correctional facilities. A number of children of these special groups are also educationally handicapped. Special attention will be given to improving and expanding program and service opportunities for such children who are handicapped during the next three years. An expanded discussion of these areas of special interest is provided on pages 9–16 of this document.

HANDICAPPED CHILDREN SERVED

In New York State, all handicapped children who have reached the age of five years and who have not earned a high school diploma are entitled to a free appropriate

public education until age twenty-one. (Appendix A: Ed. L.3202 (l); Ed. L.4402(5)) During the 1985-86 school year nearly 258,000 handicapped children between the ages of five and twenty-one were enrolled in the State's public school system. This represents about 10 percent of all children enrolled in the public schools of the State.

Handicapped children below the age of five may be educated in the public school system. However, school districts are not required by law to provide educational programs to this group of children. For the most part, handicapped children under the age of five are provided educational programs and services by the counties in which they reside when ordered by the Family Court. (Appendix A: Family Court Act 236; Ed. L.4406) Once the Family Court Judge issues an order, the county is responsible for 100% of the costs. The State Education Department will reimburse the county for up to 50% of the court-ordered costs if the child's program meets the Department's minimum criteria for State reimbursement. During the 1984-85 school year, over 11,000 preschool-age handicapped children received State-supported special education programs and services by order of the county Family Courts.

The public school system, which serves children from age five to twenty-one, and the Family Court system, serving children from birth to age five help New York State meet its goal of providing a free appropriate public education (FAPE) for all handicapped children from birth through twenty-one years of age. It is the goal of the State Education Department to have children aged three to five served through the local school district Committee on Special Education by 1990. Legislation authorizing the implemention of the bill has been proposed annually to the State Legislature by the Board of Regents. It is a further goal of the State Education Department to have children from birth to age two receive a free appropriate public education through the IEP process by 1993.

The following pages list the handicapping conditions, describe special programs and services and the State's policy regarding placement in least restrictive educational environments. The graphs and charts report the number of children served during the 1984-85 school year by handicapping condition, the extent of services provided and how they are placed in the State's school system. Also reported is a comparison of local, county, State and Federal funds which were applied to the cost of the State's programs for educating children with handicapping conditions during the 1984-85 school year.

HANDICAPPING CONDITIONS

Children with handicapping conditions include those found to be:

- AUTISTIC
- EMOTIONALLY DISTURBED
- LEARNING DISABLED
- MENTALLY RETARDED
- DEAF
- HARD OF HEARING
- SPEECH IMPAIRED
- VISUALLY IMPAIRED
- ORTHOPEDICALLY IMPAIRED
- OTHER HEALTH IMPAIRED
- MULTIPLY HANDICAPPED, including DEAF-BLIND

Descriptions of these conditions may be found in Appendix B – CR 200.l(cc). (See also Appendix A: Ed. L.3602 (19)).

SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES

In New York State, a continuum of special programs and related services has been established for each public agency to provide handicapped children opportunities for a free appropriate public education in least restrictive school settings to the extent necessary to implement their individualized education programs. (Appendix A: Ed. L.4401; Ed. L.4002). This continuum of programs and services is available to all handicapped children who are entitled to a free public education, regardless of where they reside or the circumstances under which they have been placed in residence. (Appendix A: Ed. L. 3202(1); Ed. L.4002(1)).

REGULAR CLASS PROGRAMS: To the maximum extent appropriate, handicapped children must be placed in this setting. The child receives whatever services are available to all students. Consultation or training may be provided to the regular classroom teachers from instructional specialists, administrators or other members of the school staff. The extent of involvement in the regular class must be described in the child's IEP. (Appendix B: CR 200.1(t); 200.6(a))

RELATED SERVICES: The pupil with a handicapping condition may receive related services, including speech pathology, audiology, psychological services, physical

therapy, occupational therapy, counseling services, medical services for diagnostic purposes, and other appropriate support services as determined by individual need and described in the child's IEP. Services are provided by qualified specialists with frequency also determined by need through the development of the IEP. (Appendix A: Ed. L.4401(2); 4002(2). See also Appendix B: CR 200.1(dd)).

RESOURCE ROOM: These services are provided to the pupil who requires specially designed instruction to supplement regular or special classroom instruction for at least three hours per week, not to exceed 50% of the pupil's school day. Instruction is provided by appropriately certified or licensed teachers with a maximum instructional group size of five pupils. (Appendix B: CR 200.6; 200.14).

SPECIAL CLASS: Special class programs are designed for pupils whose special education needs, as indicated in the IEP, require highly specialized instruction which can best be accomplished in small, classroom settings for a portion of the school day. Special classes may be provided in local public schools or special schools which may be other public or private day or residential school settings. (Appendix B: CR 200.6; 200.14).

HOME AND HOSPITAL INSTRUCTION: This program provides education on an individual basis to a handicapped pupil confined to the home or hospital. (Appendix B: CR 200.6).

RESIDENTIAL SCHOOLS: These schools provide needed twenty-four hour per day comprehensive services which are unavailable to a pupil being educated in a special class and living at home. The program may be in a State-operated, State-supported or approved private residential school setting and requires approval or appointment by application to the Commissioner of Education prior to placement. (Appendix A: Ed. L. 4401; Ed. L. 4002)

PLACEMENT IN LEAST RESTRICTIVE ENVIRONMENT

New York State assures that each public agency providing special education programs and related services to a handicapped child in public or private institutions or other child care institutions must, to the maximum extent appropriate, provide for the education of the child with children who are not handicapped. Each Board of Education must continue to maintain written policy to ensure that pupils with handicapping conditions residing in the district have the opportunity to participate in school district programs, including extracurricular programs and activities, which are available to all other pupils enrolled in the public schools of the district. (Appendix B: CR 200.2(b)(1)) The determination of programs, services and placement must be according to the needs of each individual child. Special classes, separate schooling or other removal from the regular educational environment occurs only when the nature or severity of the handicapping condition is such that education in regular classes with supplementary aid and services cannot be achieved satisfactorily. The selection of a placement alternative shall also be governed by considerations of the proximity of the placement to the child's home or other place of residence and any potentially harmful effect on the child or the quality of programs or services to be provided. The alternative special education programs, related services and placements are described in Education Law, Sections 4401 and 4402, which apply to all children who are eligible for a free appropriate public education to the extent necessary to implement their IEP, regardless of where they reside or the circumstances under which they have been placed for purposes of care. Education Law, Section 3202(7) gives added assurance that children residing in hospitals or other institutions other than schools are provided educational programs and services by a public educational agency (Appendix A: Ed. L. 4401, 4402, 3202(7)).

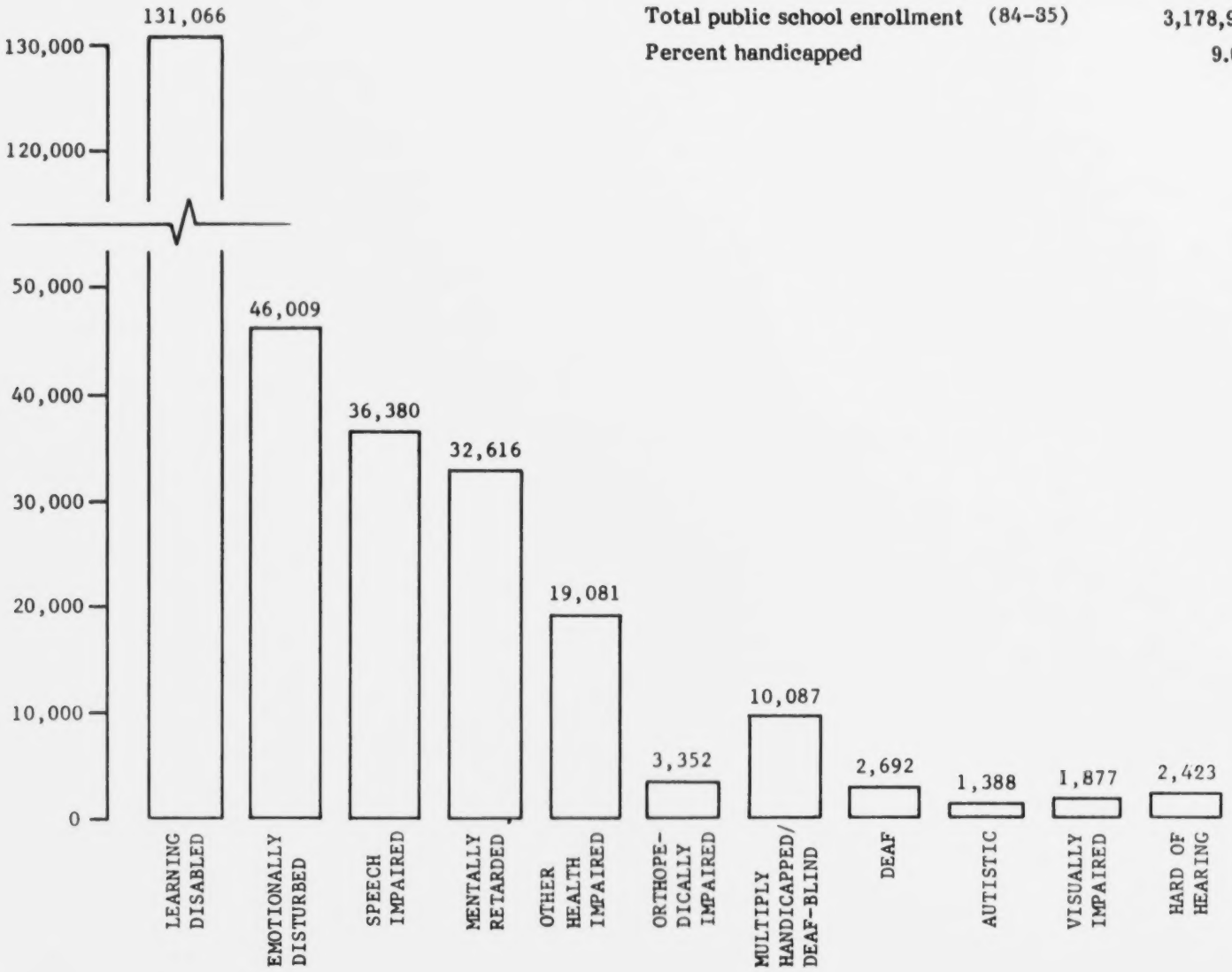
Each local school district or other public agency responsible for the educational placement of a handicapped child must follow the procedures outlined in Commissioner Regulations Sections 200.3 (Committee on Special Education), 200.4 (Referral, Evaluation, Placement and Review) and 200.5 (Procedural Due Process) to determine the appropriateness of an educational placement within or away from regular educational programs which include nonhandicapped children (Appendix B: CR 200; CR 116). By these regulatory provisions and procedures the implementation of the concept of placement in least restrictive educational environments by public and private agencies is assured.

Except as otherwise provided by an individualized educational program, children are entitled to attend the public schools maintained in the district in which they reside. (Appendix A: Ed. L.3202(1); Appendix B: CR 200.4, CR 200.5, CR 200.6) Article 81 of the Education Law describes how local public school districts and other public agencies must relate to arrange for the educational placement of children who are about to be placed for purposes of care or custody (Appendix A: Article 81; Appendix B: CR 200.4(g)).

THE NUMBER OF HANDICAPPED CHILDREN SERVED, 1984-85

This graph reports the number of school-age children in New York State who were identified as handicapped and provided special programs and services during the 1984-85 school year.

Total number of handicapped children	286,971
Total public school enrollment (84-85)	3,178,916
Percent handicapped	9.0%



THE PLACEMENT OF HANDICAPPED CHILDREN, 1984-85

This chart reports the placement of New York State's handicapped children, ages 0-21, in the State's school system and the extent to which they are provided special education and related services in these settings.

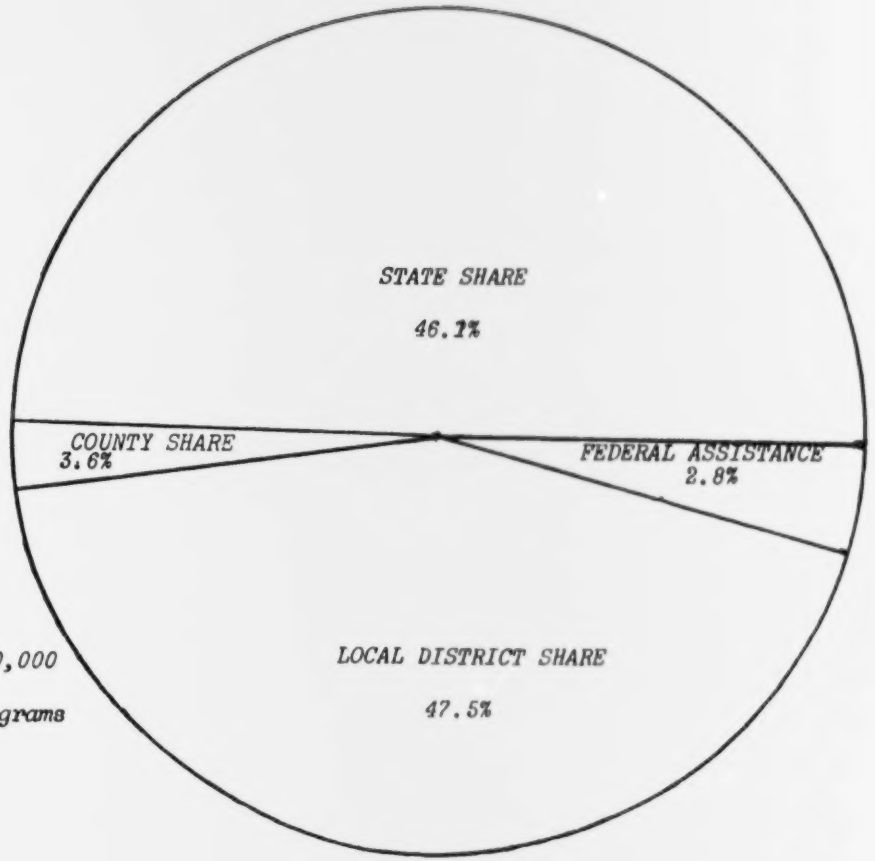
PLACEMENT \ LEVEL OF SERVICE	RELATED SERVICES	RESOURCE ROOM PROGRAMS	SPECIAL CLASS PUBLIC, PRIVATE DAY OR RESIDENTIAL SCHOOLS	TOTAL BY PLACEMENT
IN DISTRICT PROGRAMS	27,806	93,070	115,001	235,877
REGIONAL PROGRAMS (BOCES)	1,133	1,459	22,516	25,108
STATE-OPERATED SCHOOLS	—	—	2,024	2,024
PRIVATE OR STATE-SUPPORTED SCHOOLS				
IN-STATE	—	—	22,003	22,003
OUT-OF-STATE	—	—	554	554
OTHER PLACEMENTS	—	—	1,405	1,405
TOTAL BY LEVEL OF SERVICE	28,939	94,529	163,503	286,971 TOTAL CHILDREN SERVED

FUNDING
1984-85

The graph below illustrates the sharing of Local, State, and Federal funds for the education of children with handicapping conditions during FY 1984-85.

TOTAL ESTIMATED EXPENDITURES

$2,439,211,319



STATE SHARE - $1,124,600,000

- *Average Daily Weighted Attendance Aid*
- *Excess Cost Aid*
- *Transportation Aid*
- *Aid to Counties*
- *State-Operated and State-Supported Schools*

ADDITIONAL FEDERAL ASSISTANCE

$68,111,319

- *EHA Part B (P.L. 94-142)*
- *ECIA (P.L. 89-313)*
- *Other*

COUNTY SHARE - $89,000,000

- *Early Childhood Programs*
- *Summer School*

LOCAL DISTRICT SHARE -$1,157,500,000

- *General Fund Contribution*
- *Transportation*

OVERVIEW OF NEW YORK STATE PLAN

GOALS

New York State's plan for the next three-year period, beginning July 1, 1986 and ending June 30, 1989, is to ensure the following:

A. That the public school system LOCATE, IDENTIFY AND EVALUATE all handicapped children who are eligible for a free public education in New York State;

B. That children with handicapping conditions who enter the public school system are provided appropriate INDIVIDUALIZED EDUCATIONAL PROGRAMS AND SERVICES which are necessary for them to achieve the basic competency requirements of public education;

C. That children with handicapping conditions are provided a FREE APPROPRIATE PUBLIC EDUCATION in LEAST RESTRICTIVE EDUCATIONAL ENVIRONMENTS;

D. That expanded and improved special education programs and related support services are cooperatively provided by a variety of appropriate agencies to SPECIAL GROUPS of handicapped children. These special groups include:
   - children below the age of five who may benefit from special education and related services prior to entrance into school,
   - severely handicapped children who require extraordinary services not typically provided by the public school system,
   - children of low income, minority and non-English-speaking populations who are also handicapped,
   - unemployed or underemployed handicapped youth who are not of compulsory school age and have dropped out of school, and
   - troubled youth (neglected, delinquent, and youth in jails) who are also handicapped.

APPROACH

In New York State, each local public school district is responsible for the achievement of the above goals for each handicapped child who resides in the district. Each district must operate according to Federal and State law, regulation and policy. The districts are assisted by the New York State Commissioner of Education and the State Education Department, Office for Education of Children with Handicapping Conditions, in the following ways:

- MONITORING community and institutional educational programs for children with handicapping conditions to ensure such programs are in compliance with Federal and State law, regulation and policy;
- providing and coordinating TRAINING programs for State, regional and local training personnel, policymakers, administrators, instructional personnel and parents concerning educational services and requirements for children with handicapping conditions;
- providing TECHNICAL ASSISTANCE to parents, teachers and administrators who are involved in the education of handicapped children;
- ensuring that local school district authorities, including teachers, administrators and members of boards of education, have the INFORMATION necessary to provide quality educational programs according to law and regulation;
- providing DIRECT SERVICES through the State-operated schools for the deaf at Rome, New York and for the blind at Batavia, New York, and through schools operated by other State agencies;
- administering State and Federal FUNDING programs to ensure the implementation of quality programs.

AREAS OF CONTINUING SPECIAL INTEREST AND EXPECTED RESULTS

The details of this Plan are described in the section entitled NEW YORK STATE'S PLAN. It is anticipated that, by carrying out this work plan, the objectives for the three-year period will be met and that special attention will have been given to areas of special interest which have been subjects for discussion by the Board of Regents, the State Commissioner's Advisory Panel for the Education of Children with Handicapping Conditions and the Office for Education of Children with Handicapping Conditions over the past three years. These areas of special interest are:

- Continuing evaluation of the implementation of

Parts 100 and 200 of the Commissioner's Regulations regarding the education of children with handicapping conditions;

- Serving handicapped children under the age of five who may require early childhood special education programs and services;
- Ensuring the coordination of service systems for students with handicapping conditions as they transition to postsecondary employment or education;
- Ensuring advanced planning for adult services for students with handicapping conditions who are soon to age-out of the education system;
- Resolving the educational problems which affect the education of handicapped children in highly urban and rural settings;
- Developing additional in-state residential programs for students with handicapping conditions who are currently educated in out-of-state programs;
- Ensuring adequate special education program space in local school districts for all students with handicapping conditions who can benefit from such placement whether educated through their home school district or BOCES;
- Serving children with limited English proficiency who are also handicapped;
- Ensuring that mildly handicapped students have greater access to participation in general education programs;
- Serving handicapped children and youth who have dropped out of school and are underemployed;
- Reviewing preservice preparation requirements for regular and special educators to ensure that the needs of students with handicapping conditions are appropriately met in all education programs; and
- Other areas of special interest to the public.

EVALUATING STATE REGULATORY STANDARDS–PART 20 OF THE COMMISSIONER'S REGULATIONS FOR THE EDUCATION OF HANDICAPPED CHILDREN

The Commissioner of Education has authority to develop regulations regarding the education of children with handicapping conditions as indicated in New York State Law, Article 89. Currently, New York State is in the final stages of implementing a new set of regulations first approved by the Board of Regents in April 1981. OECHC has provided monitoring, training, technical assistance and has disseminated information on the new regulations to aid school districts during this time of transition. The purpose of the new regulations is to guide districts in developing and providing more effective programs for handicapped students.

As a result of the passage of P.L. 94-142 and Federal regulations for educating students with handicapping conditions, along with special State projects and amendments to State law, there have been a series of changes in State regulations during the period of 1982-1985. These were designed to finalize major revisions in the regulations initiated between 1976-1982. Prior to final action, a two-year evaluation study of Section 200.6, dealing with the continuum of services and class sizes, was concluded. Further changes were required to specify procedures for implementing new State laws regarding referrals to adult care providers for students aging out of the education system.

The Board of Regents, in finalizing the Part 200 Regulations, provided options to districts to help smooth the transition period. School districts could choose to follow the Sections 200.6 and 200.13, or Section 200.14 when planning for special education programs and services. The transition period ends July 1, 1986, at which time all districts must follow Section 200.6 and 200.13. Extensive training was provided to inform administrators, teachers, parents and Committee on Special Education members of the new regulations. Training was supported by the development and revision of a number of information manuals distributed throughout the State.

The OECHC monitoring units worked closely with school districts, BOCES and other educational agencies to inform them of changes in regulations which required changes in programs and approaches to the delivery of services for handicapped children. These revisions at the district level were important first steps toward ensuring that district policies and procedures were in compliance with the regulations.

SERVING HANDICAPPED CHILDREN UNDER THE AGE OF FIVE WHO MAY REQUIRE EARLY CHILDHOOD SPECIAL EDUCATION PROGRAMS AND SERVICES

Public school districts in New York State may provide early childhood programs for children under the age of five and summer school programs for all handicapped children. However, State Education Law does not require that these programs be provided. The public school system is only required to serve handicapped children between the ages of five and twenty-one during the ten months of September through June of each school year. Therefore, there are very few public school programs for handicapped children under five and for those

requiring services during the summer months of July and August.

In keeping with the State and Federal goal of providing full educational opportunities for all handicapped children, Section 236 of the Family Court Act and Section 4406 of the Education Law provide that preschool and summer school programs may be obtained from each county by individual petitions to the county Family Courts. Parents of handicapped children below the age of five may petition the Family Court in their county of residence for the costs of tuition, transportation and maintenance for special education programs for the school year and summer months. Children handicapped because of mental, physical or emotional reasons, as defined in Part 200 of the Commissioner's Regulations, are eligible for this type of funding. Upon receipt of the petition, the Family Court judge may issue an order to approve costs in appropriate cases. Costs are then charged to the county. If the Commissioner of Education approves, based upon an individual review of the child's program, and if the child's program meets certain minimum requirements, the State Education Department will reimburse the county for up to 50 percent of the amount ordered by the Court. This continues to be the major funding system for provision of special education to handicapped children below five. Approximately 10,000 – 11,000 young handicapped children receive services under this funding source with expenditures in excess of 140 million dollars. Four years ago the program was funded at a level of 48 million dollars with approximately 5,000 – 6,000 students receiving services.

Although significant efforts continue to be made by the Education Department, there are a number of issues and constraints which need to be addressed in providing services to handicapped children under five years of age. The lack of a mandate has, in the past, created inequities in the delivery system. Progress has been made, however, toward improved access for all preschool-aged handicapped children. A wider range of program options and more effective procedures for implementing the Family Court process in counties that lacked such procedures have resulted from technical assistance and information provided by the Office for Education of Children with Handicapping Conditions.

Another important issue is the lack of standards for preschool special education programs and monitoring capabilities of the Education Department. Since the law does not currently provide the Education Department with these regulatory functions, changes need to occur to allow the Education Department to oversee preschool special education programs. Similarly, there currently exists a lack of fiscal accountability for programs at the local level since rate setting functions are not the responsibility of one agency.

Legislation needs to be enacted which would make services equally accessible to young handicapped children. Providing the Education Department with regulatory and monitoring responsibilities would allow for the provision of special education services in a cost-effective manner to all residents of the State. The New York State Education Department, through the Board of Regents, has for the past four years supported legislation which would make school districts responsible for providing services to handicapped children beginning at age three and would provide for procedural safeguards similar to those now in place for handicapped children who are five years of age. As with increased accessibility to services, progress has also been made in this area. Legislation mandating such services passed the State Senate this year, leaving only State Assembly action needed to complete this long-term legislative effort. This legislation will continue to be supported in future legislative sessions until passage has occurred.

The State will also continue to support the network of Early Childhood Direction Centers which is needed to assist parents and professionals in understanding services and accessing programs in a timely manner.

RESOLVING THE EDUCATIONAL PROBLEMS WHICH AFFECT THE EDUCATION OF HANDICAPPED CHILDREN IN HIGHLY URBAN AND RURAL SETTINGS

School districts in highly urban and rural areas experience special problems in educating handicapped children. New York State has within its boundaries five major urban areas, including New York City, approximately 70 midsize cities, and a number of highly rural areas. In many ways these urban and rural areas are different and the specific nature of their problems is different. However, urban and rural areas share one common problem which is a scarcity of resources due to the numbers and diversity of people living in the areas.

The urban settings are faced with the task of educating large numbers of children from several different cultures living in close proximity to one another. This situation creates many unique problems. Adequate and efficient use of funds and personnel to provide a full range of special education services is a continuing problem. As populations of handicapped students increase and as the characteristics of these students change, the problem of resources is magnified. An emerging problem for the cities is developing or adapting special education services to meet the needs of bilingual handicapped students. The multicultural nature of this group of students is also a factor which must be considered as programs are

planned. Besides the need for programs which provide direct services to children, there is a need to develop efficient ways to administer and plan programs. Long-range planning is necessary to anticipate in advance the nature of future special education needs. Many times, cities are forced to concentrate on immediate and current needs because they tend to be so pressing. Cities also have very complex administrative structures where responsibilities for particular programs are not clear. Communication among individuals and departments tends to be difficult under these circumstances.

Special education in urban areas is further complicated by the need for sufficient numbers of professionals to serve as members of Committees on the Handicapped. Inadequate staffing leads to large numbers of handicapped students who could benefit from special education services not being identified. Also, the development of comprehensive IEPs and sufficient evaluation information on handicapped students becomes a problem.

Rural areas in New York also have funding and personnel problems for different reasons. Even though the number of handicapped children living in these areas is increasing, the funds generated to deliver a full range of special education services remains inadequate. School districts are faced with serious transportation problems. More funds must be allocated for transportation to get students to and from programs. Travel for professionals to deliver services in remote areas of the State is also a problem and has implications for the amount and types of direct services which can be provided to handicapped students. The timely evaluation and re-evaluation of handicapped children is more difficult for Committees on Special Education in these regions. Attracting trained professionals to rural settings is a continuing need. Limited economic, cultural and social advantages tend to make these areas less attractive than others to qualified personnel.

Other situations in the rural areas influence the nature and delivery of special education programs. Migrant workers present special problems because families move in and out of regions according to the length of the growing season. Special education programs must be designed in a way to ensure consistency and continuity of instruction. There is a change in the immigration patterns of people coming to reside in rural communities. The establishment of bilingual special education programs is a priority in several areas. School districts in some rural parts of the State are involved in contracting to provide special education services to Native Americans living on reservations.

In the recent past, the problems of urban and rural special education have been given special attention by OECHC and the Board of Regents. The Board of Regents has made a commitment to support efforts to improve educational services for the State's urban and rural populations. New communication technologies appear to be a promising approach to providing services in remote rural areas. Training has been directed to building principals to provide them with the skills and information needed to implement programs for handicapped children at the school building level. Training for teachers who educate bilingual handicapped students has been established as a goal for the SETRC Network in both urban and rural areas. Intensive efforts have been made to monitor both urban and rural school districts to help identify problems and provide suggestions for improvement. The assistance provided in this context will continue to take into consideration the unique problems existing in both settings. Previous regulations of the Commissioner allowed for subcommittees on special education in districts having 200 or more handicapped students or a population of 125,000 inhabitants to aid in evaluating the volume of students who may require special education services. By action of the New York State Legislature, all districts can benefit from this allowance, effective July 1983. This should be of special benefit to the rural areas in their efforts to evaluate students.

ENSURING COORDINATION AND COOPERATION AMONG EDUCATIONAL, SOCIAL AND ALLIED HEALTH AGENCIES WHICH SERVE HANDICAPPED CHILDREN

Over 50,000 handicapped children residing in New York State are receiving educational, social and/or health services from more than one State agency. These agencies include the State Education Department (SED), Office of Mental Retardation and Developmental Disabilities, (OMR/DD), Office of Mental Health (OMH), Department of Health (DMH), Department of Social Services (DSS), Division for Youth (DFY), Department of Correctional Services, Division of Substance Abuse, Division of Alcoholism and the Family Court. Each has an organizational structure which has been long established and laws and regulations governing its operation. The services provided to handicapped children by these agencies vary broadly as do the eligibility criteria and methods of delivery. To ensure the availability of a full continuum of services that is unduplicative, efficient and responsive to the needs of handicapped children it is necessary that these agencies continue to jointly plan for the delivery of such services.

The State Legislature has addressed the issue of coordinated provision of services through interagency initiatives and legislation. The Education Department, for

example, has been given the responsibility and authority to establish standards of instruction, personnel qualifications and other requirements for educational services or programs for children in full time residential care in homes or facilities operated by any State Department or agency or political subdivision.

Other legislative actions that are paramount in the development of interagency efforts include Chapter 563 of the Laws of 1980, Chapter 544 of the Laws of 1982, Chapter 570 of the Laws of 1983 and Chapter 462 of the Laws of 1984. Chapter 563 amended education, mental hygiene, social services and family court laws to assure consistency of services and funding for children involved with public agencies and residing in child care institutions, Chapters 544 and 570 provide for the review of the status of children who are being educated in residential facilities both in- and out-of-state and are aging out of the educational system. Chapter 462 provides for adult planning for youth residing at home but attending special education programs 100% of the time. These laws mandate involvement of a variety of agencies in identifying and providing for future considerations regarding adult services for these special populations.

In addition, through Chapters 50 and 54 of the Laws of 1985 the legislature has provided funds for an interagency effort to develop residential special education schools within New York State. This multiagency program is consistent with the Education Department's philosophy of services based on the least restrictive environment concept and will result in reducing the State's reliance on out-of-state residential placements.

The executive branch of State government established and coordinates the Council on Children and Families, an interagency team that serves to increase communication among agencies, the State, its local government counterparts, and public and private voluntary agencies. The council acts as an advisory agency to assist in identifying problems and deficiencies in service programs throughout the State. The activities of the Governor's Conference on the Prevention of Developmental Disabilities for Infant Mortality are another way of understanding and stimulating efforts to streamline services and communication systems assisting handicapped children and their families.

Within the State Education Department, cooperative planning has occurred among OECHC, the Office for Occupational and Continuing Education, Office of Vocational Rehabilitation, the Office of Higher and Professional Education and the Office of General Education. Areas addressed include special education, occupational training, vocational rehabilitation, pupil personnel services and bilingual education. This planning has been recognized as a priority of the Board of Regents based on the belief that early intervention of vocational rehabilitation personnel with handicapped children increases the probability of successful transition from secondary education to postsecondary education and employment.

As a result of past efforts, OECHC and OVR have jointly funded projects allowing vocational rehabilitation counselors to become involved in handicapped children's educational programs at critical times in their educational careers. The Office for Occupational and Continuing Education has established a Civil Rights Compliance Unit which monitors the accessibility of occupational education programs. OECHC has also made available, throughout the State, training programs for occupational educators, guidance counselors and other individuals involved in this area.

Other cooperative activities have supported the specific pilot testing of revised occupational courses, cooperative service models at six sites and special projects to assist the transition of students to postsecondary education and continuance of a Task Force to resolve ongoing problematic areas.

The "Hard to Place Commmittee", located in New York City, is an example of interagency cooperation in that it assists individuals with severe problems in receiving services. A variety of agencies, including OECHC, are involved in assuring the provision of services on a case by case basis. This program, even though not legislated, is a proven example of the ability of agencies to function together to meet the needs of handicapped individuals.

Continued involvement among State agencies is necessary for the development of regulations and policies addressing laws that, however clear in their intent, are unclear in their mandates. In addition, with services provided at the State level varying broadly and overlapping in some form, the issue of "turfdom" must be addressed. This need becomes even more apparent with the present lack of resources.

The Regents and the Department recognize their responsibility toward individuals with handicapping conditions in assuring that the talents and capacities of these individuals are not wasted. Continued efforts to address the issues raised will take the form of interagency agreements, development and implementation of laws and regulations and ongoing monitoring and training. Further planning for the implementation of exemplary programs statewide will involve State agencies and the legislature. Systems such as the "Hard to Place Committee" will need to be reviewed and decisions made on how to implement similar systems statewide.

It is expected that over the next three years the State will make extensive inroads toward collaborative and coordinated delivery of services to handicapped chil-

dren. In addition, the diversity that exists among agencies will be addressed through training, information dissemination and increased communication resulting from interagency agreements. It is the Department's intent that the gaps in services will be reduced through proactive multiagency involvement for determining needs and improving services.

SERVING CHILDREN WITH LIMITED ENGLISH PROFICIENCY WHO ARE ALSO HANDICAPPED

Special attention will be given to this population of students and their families, some of whom may require special education services. There is a change taking place in the national origin of the people coming to reside in New York State. Political and economic factors have led to an increase of new residents from several different countries. Recently, many new immigrants have come into the State from Southeast Asia, Haiti, Turkey, China and Latin America. Others from different cultures have resided in the State for a longer period of time and continue to pose challenges for the State Education Department. Portuguese, Italian, Hispanic and Native American populations also are groups with special or unmet needs. The educational system must adapt and change to prepare these students for vocational independence. Special education programs and services will need modifications to effectively educate this population. Overcoming language and cultural barriers and changing teaching methods are important matters for educators to address during these times.

There is a small number of special education teachers prepared to educate this group. Programs in special education and vocational education are also limited. Appropriate tests and other means of evaluation are in the initial stages of development and are not common knowledge for many professionals. In order to provide special education, communication with parents is important. Many parents new to this State may not fully understand the purpose and goals of special education.

OECHC has been sensitive to the needs of these groups and has made special efforts to facilitate the provision of special education when needed. Information manuals have been developed in Spanish, Chinese and French to help parents and professionals understand regulations and policies related to special education. The Special Education Training and Resource Centers (SETRC) have conducted training sessions, designed with expert consultants and OECHC staff, for teachers who have contact with handicapped students who are limited in their understanding and ability to use English. Training has focused on customs and traditions of different cultures, remediation techniques, ways to evaluate such students, and methods for communicating with parents.

OECHC plans to work intensively to combine the professional resources of bilingual and special education to develop effective means of instruction and delivery of services for these students. Inservice training offerings for teachers will continue and be designed according to information from needs assessment activities conducted through the SETRC Network. Training to be conducted will better prepare the practicing teacher to educate these students. Suggestions provided by OECHC to key persons administering preservice programs will translate into course work addressing the unique needs of this group as part of the college and university teacher preparation programs. Training will be extended to parents of these students to inform them of their rights and responsibilities and help them understand the needs of their children. Additional manuals will be translated into other languages to meet the informational needs. Cooperative planning among agencies and advocacy groups will occur to increase awareness of existing problems these students and their families have. These efforts will be important first steps to the development of appropriate solutions.

SERVING HANDICAPPED CHILDREN AND YOUTH WHO ARE IN JAIL OR OTHER INSTITUTIONS FOR THE CARE OF TROUBLED YOUTH

New York State Law, Article 89 outlines responsibilities the State Education Department has for handicapped children in the public school system and those educated in a number of different facilities outside of the public schools. A portion of these responsibilities apply to handicapped youth in a variety of correctional facilities. Educational services are provided through a variety of sources. OECHC reviews and makes recommendations on the adequacy of instructional programs in operation at such facilities.

To carry out its responsibilities, OECHC will attend to the special educational needs of troubled handicapped youth, including: 1) those who are involved in the criminal justice system and are currently residing in correctional facilities, 2) those handicapped students determined to be neglected, persons in need of supervision (PINS), juvenile delinquents (JD), juvenile offenders (JO), and who are in the care or custody of State and local agencies and 3) those students who have dropped out of school or may drop out of school and are at risk of being in trouble with the courts. For handicapped youth in

correctional facilities, juvenile detention facilities or other institutions, OECHC is currently involved in reviewing the variety of residential settings and the educational programs being provided.

The problems connected to educating troubled youth are at different stages of resolution. The lack of model programs has been a major problem in the past. Model projects funded by OECHC represented attempts to change this situation. Successful programs are available to be disseminated to more agencies throughout the State. Interagency efforts have identified a myriad of residential settings with varied purposes. Confusion regarding the responsibility for providing educational programs to youth in these varied settings will be clarified through interagency agreements and legislative initiatives. Certain programs are clearly covered under Section 3202 (7) of the Education Law. However, the need still exists to develop State guidelines and fiscal mechanisms to help districts meet their responsibilities. OECHC will work cooperatively with agency administrators, and school district representatives to facilitate the development of consistent procedures and programs. Another problem relates to the financial support for these programs. Current laws and practices need revision to ensure the distribution of sufficient funds to support the development, maintenance and management of sound programs. OECHC will provide technical assistance to agencies on the matter of funding.

SERVING HANDICAPPED CHILDREN AND YOUTH WHO HAVE DROPPED OUT OF SCHOOL AND ARE UNDER-EMPLOYED

The number of underemployed/unemployed youth in New York State is a major concern for the State Education Department, and especially for OECHC since many of these youth have been identified as handicapped. The results of the employment status of these youth affect other areas such as the social service and criminal justice systems in the State. Handicapped youth who are experiencing employment problems have a greater tendency to get into trouble with the law and are forced to rely upon assistance from social services. An important goal for the education of handicapped youth is to provide them with the skills necessary to become employable and remain employed according to the demands of today's job market. Several directions are possible for OECHC to more effectively achieve this goal.

In the past, a number of efforts to address the problem have been made. During the spring of 1979, regional conferences throughout New York were jointly sponsored by OECHC, Office for Occupational and Continuing Education (OOCE), and the Office for Vocational Rehabilitation (OVR). Special educators, vocational educators and rehabilitation counselors met to cooperatively identify problem areas and solutions related to the education and employment of the handicapped. These conferences resulted in the publication of findings, entitled *Services for the Handicapped, Linking Special Education, Occupational Education and Vocational Reha bilitation*. The document described the results and recommendations of over 1,000 individuals who participated. It has been distributed statewide to help districts plan appropriate programs and services. During 1980, a series of special hearings entitled *Forum 80* were held and chaired by Assistant Commissioners from OECHC, OOCE and OVR. The purpose of these hearings was to obtain suggestions and recommendations from the public on how to improve the employment picture for the handicapped. In June of 1980, the Commissioner of Education appointed the Task Force on Youth Education and Employment to investigate the causes of youth unemployment and identify ways for educational agencies to better prepare students for future employment.

Pilot projects, established to assist the transition of handicapped students to employment (see page 32), have also focused on youth who have dropped out of school. These projects have established initiatives to make contacts with students who have dropped out and work with them to reenter occupational education, vocational rehabilitation or continuing education.

Each of these efforts has been generated from goals established by the New York State Board of Regents in 1978 to have educational programs result in successful employment for all students.

Although progress has been made toward solving the problems of underemployment/unemployment of handicapped youth, a great deal remains to be done. Future efforts are expected to take a variety of forms. A conference is planned for joint attendance by directors of special education, occupational education and vocational rehabilitation to develop cooperative plans from an administrative level and to establish effective communication systems among these groups. Expansion of personnel development programs on the preservice and inservice levels is planned. Training will be offered to teachers and administrators to make instructional strategies and program management more effective. Additional efforts will be directed toward matching occupational training programs to the needs of the business community by involving representatives of business and industry in planning efforts. Training programs available through business will be reviewed so that du-

plication of training offered in schools will be avoided and, therefore, be more cost-effective.

OTHER AREAS OF SPECIAL INTEREST TO THE PUBLIC

A major initiative is the reduction in out-of-state educational placement of New York State children. In cooperation with the Office of Mental Retardation and Developmental Disabilities and the Council on Children and Families, the OECHC is working to develop an additional 225 New York State residential school beds to meet the needs of developmentally disabled youth currently placed out-of-state by school districts, on the Hard-to-Place list or at-risk of out-of-state placement. Cooperative efforts with the Office of Mental Health to assure the provision of in-state and full continuum of educational and treatment services for New York State pupils are also being undertaken.

Another area of special interest is the need to ensure adequate special education program space in school buildings of local school districts. Changes in student demographics and increased variety in required and optional regular education programs have contributed to shortages of available school building space for special education programs in some areas of the State. Assistance in long-range planning, development of alternative uses for nonstandard space and ongoing technical assistance is being provided by the Office for Education of Children with Handicapping Conditions to ensure that school district administrators are accommodating special education space needs in their reallocation of space in local school district facilities as well as in planning new construction.

A third area of significant interest is the successful transition of students with handicapping conditions from school to work. A major effort has been initiated to address this need. A Cooperative Service Model was developed and was endorsed by the Board of Regents in March 1984. It includes three basic concepts: vocational assessment of handicapped students at age 14, including assessment by OVR when appropriate; cooperative delivery of secondary education by rehabilitation, occupational education and special education staff; and referral of the records of school graduates, dropouts or age-outs to OVR. The model is being tested at the Erie I, Putnam/Northern Westchester, Broome/Tioga and Suffolk II BOCES and the City School Districts of Syracuse and New York. Projects began operating at three sites September 1, 1984. The remaining three projects began September 1, 1985. Members of the Interoffice Task Force visit each project site and bimonthly projects reports are also filed by each site.

While the six pilot project sites each have local teams representing special education, occupational education and vocational rehabilitation, each team differs in the way in which it is attempting to accomplish the goals and objectives of the pilot program. As the projects proceed, more information will be collected about numbers of students receiving vocational assessment, early involvement of OVR, appropriate placements and transition to post-secondary programs or employment. Also, critical information will be gathered about the most effective means of connecting the systems of special education, occupational education and vocational rehabilitation to improve secondary programs for handicapped students.

Due to the increase in the number of students identified as mildly to moderately handicapped, such as those with learning disabilities, another concern also focuses on access to general education programs and curricula for these students. Preservice training requirements will be reviewed during the next two years to ensure that general educators are prepared to accommodate students with handicapping conditions appropriately placed in their classes. At the same time, the preparation of special educators will be reviewed to ensure that they have adequate knowledge and skills in the area of general education curriculum content. Deficits will be addressed through certification process as well as through targeted in-service initiatives.

In addition, it has been urged that alternative special education service delivery models be developed to enable mildly handicapped students to receive needed programs and services in regular classroom settings, to the maximum extent possible. A new initiative will support the development and piloting of a model at three sites, with modification and replication anticipated in the latter half of the planning period. This effort will look at possible additional ways to strengthen the continuum of services available to students with handicapping conditions in order to encourage more complete access to the full range of curricular and extracurricular programs.

GUARANTEEING THE RIGHTS OF CHILDREN WITH HANDICAPPING CONDITIONS

FEDERAL LAWS

This section describes Federal laws and regulations which govern the conditions under which Federal funds are awarded to assist the education of children with handicapping conditions in New York.

The important Federal laws affecting children with handicapping conditions are the 1975 Education for All Handicapped Children Act and Section 504 of the Vocational Rehabilitation Act of 1973.

THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (P.L. 94-142)

The Act:

- guarantees certain rights to children with handicapping conditions and their parents, including the right to:
  - an individualized education program developed for each handicapped child by the local education agency and the child's parent;
  - parental review of their child's education records;
  - written notice to the parent before the local education agency conducts an educational evaluation of the child and before special education programs and services are provided or changed;
  - give or withhold parental consent before the local education agency may conduct a preplacement evaluation or arrange for the child's initial entrance into a special education program;
  - the use of nondiscriminatory tests and procedures to evaluate children;
  - wherever appropriate, have each handicapped child educated with nonhandicapped children; and
  - a free education for handicapped children placed in private schools by the local education agency when the public school can not provide the services the children need.
- provides funding to states under the following conditions:
  - a state must ensure that a free appropriate public education will be available:
    - by September 1, 1978 to all handicapped children between 3 and 18,
    - by September 1, 1980 to all handicapped children between 3 and 21 except where such services are inconsistent with state law or practice,
  - that children who need special education will be identified, located and evaluated, and
  - that the state will serve first those children with handicapping conditions who are not receiving an education and, second, those who are receiving an inadequate education;
  - local educational agencies which apply to their state to use Federal money received under this law must make the same kind of promises about giving help which the state must make;
  - special grants will be given to any state (to a maximum of $300 per child) which provides special education for children from 3 to 5; and
  - Federal funds can take the place of state and local funds only if a state can clearly prove that all children with handicapping conditions are getting a free appropriate public education.
- requires a state plan which will promise that:
  - personnel serving handicapped children are properly trained;
  - private school children will have a chance to participate in special education programs set up under this law;
  - Federal funds will be properly spent;
  - programs to educate handicapped children will be evaluated at least once a year; and
  - the state will have an Advisory Panel of handicapped persons, teachers, parents, state and local education officials and administrators of programs for handicapped children to give advice about services that are needed for handicapped children.

THE EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983 (P.L. 98-199)

These amendments have affected approximately twenty-six sections of the original P.L. 94-142. Some of the major changes include added provision for parental participation, broadened authority of the Secretary of Education, expanded comment period for proposed

changes in EHA regulations, removal of the age limitation for early childhood projects, provision for post-secondary education programs and expanded information dissemination efforts.

SECTION 504 OF THE VOCATIONAL REHABILITATION ACT OF 1972 (P.L. 93-112)

This Act states, "No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Regulations drafted to carry out Section 504 that pertain to children with handicapping conditions require full program accessibility for handicapped children in both regular and special education programs.

A publication of the Council for Exceptional Children notes that by June 1, 1977:

- "all new facilities had to be constructed to be readily accessible and usable from a program standpoint by all handicapped children,
- although every existing facility need not be totally physically accessible, there must be an assurance that programs conducted in those facilities are made accessible,
- while flexibility is allowed in choosing methods that in fact make programs in existing facilities accessible, structural changes in such facilities must be undertaken if no other means of assuring program accessibility is available. The regulations state that such structural changes shall be made expeditiously, but shall be completed no later than three years from June 1, 1977 (by June 1, 1980)."

THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT (ECIA), CHAPTER 1 PROGRAMS FOR HANDICAPPED CHILDREN (FORMERLY AND STILL COMMONLY CALLED P.L. 89-313)

Public Law 89-313 amended Title I to require that ten percent of the annual grant appropriation be set aside to help State mental health, education and public welfare agencies educate handicapped youngsters in State-supported and State-operated institutions.

In New York State, the State Education Department is responsible for Public Law 89-313 projects in the two State-operated schools (State School for the Blind in Batavia and State School for the Deaf in Rome), the State-supported schools for the blind or deaf (4201 Schools), and nonpublic schools approved and funded under provisions of the State's Education Law. In addition, Public Law 89-313 funds may follow an eligible child when the child is transferred from a State-operated or State-supported school to local educational agencies such as a local school district or BOCES.

REGIONAL DEAF-BLIND CENTER (PUBLIC LAW 91-230) TITLE VI-C

The Department's program for deaf-blind children and youth provides technical assistance, direct and indirect educational services and support services to pupils between birth and twenty-one years of age, their families and educational agencies. These services are provided to deaf-blind pupils identified through the program's student registry system.

THE HEADSTART, ECONOMIC OPPORTUNITY AND COMMUNITY DEVELOPMENT ACT OF 1974

This act requires that ten percent of the total number of enrollment opportunities in each state be available for handicapped children (as defined by the Office for Child Development in the Federal Department of Health, Education and Welfare) and that services be provided to meet the special needs of these children.

CARL D. PERKINS VOCATIONAL EDUCATION ACT OF 1984 (P.L. 98-524)

This law amended the Vocational Education Act of 1963. This law assures that equal access will be provided to handicapped and disadvantaged individuals in recruitment, enrollment and placement activities, and to the full range of vocational programs available to non-handicapped and non-disadvantaged individuals, including occupationally specific courses of study, cooperative education, and apprenticeship programs. These programs will be provided in the least restrictive environment and will, whenever appropriate, be included as a component of the IEP. Vocational education planning for handicapped individuals will be coordinated between appropriate representatives of vocational education and special education.

FEDERAL REGULATIONS

To carry out laws which are often written in general terms, Federal law gives Federal agencies responsible for carrying out certain laws the authority to draft detailed procedures. These are found in regulations.

Federal regulations that pertain to the laws described above can be found in the *Federal Register*. Regulations that pertain to the 1975 Education for All Handicapped Children Act were initially published in the August 23, 1977 issue of the *Federal Register*, (Vol. 42, No. 163). These regulations were recodified and republished in the November 21, 1980 issue of the *Federal Register*. These regulations give detailed instruction to states about how to carry out the requirements of the 1975 Education for All Handicapped Children Act.

NEW YORK STATE POLICY

New York State's policy and procedures which govern the education of children with handicapping conditions are stated in Education Law (Appendix A), Regulations of the Commissioner of Education (Appendix B), and Statements of Administrative Policy and Procedure (Appendix C). The following paragraphs provide an overview of some of these policy statements. This overview is for the purpose of introducing a more detailed description of the major policy areas pertaining to:

- The Development of Individualized Education Programs, including protection in evaluation procedures (page 24);
- Procedural Safeguards, that is, the provision of due process procedures for prior notice, consent (page 28);
- Parental Representation and assignment of Surrogate Parents (page 30);
- Confidentiality (page 31);
- Impartial hearing (page 31);
- Appeals to the Commissioner of Education (page 33).

NEW YORK STATE LAWS (SEE APPENDIX A)

In 1976, New York State made substantial revisions to Article 89 of the Education Law. These revisions amended Article 89 to include the major concepts put forth in the Education for All Handicapped Children Act of 1975.

There have been continued initiatives by New York State since 1976 to further incorporate key Federal provisions through amendments to several articles of State Law affecting the education of handicapped pupils and through a period of regulation development. The culmination of these efforts was the final adoption by the New York State Board of Regents, in April 1984, of new State regulations for providing special education services to handicapped pupils.

The following are brief descriptions of the various laws and regulations related to the education of pupils with handicapping conditions in New York State.

ARTICLE 65 – COMPULSORY EDUCATION AND SCHOOL SERVICES

This article of State Law establishes the right of all resident children, age five to twenty-one, to a free public education. Through the various provisions of this article the same basic right is extended to children who reside in situations outside of the home, i.e., foster care and institutions for the care, custody, and treatment of children.

A key provision of this article includes compulsory public school attendance of minors six through sixteen years of age, and procedures dealing with children who do not attend school. Also appropriate guidelines for suspension of children from school attendance are included under this article.

Other critical sections of the Article establish the quality and language of instruction, including the provision for bilingual instruction, where appropriate.

ARTICLE 73 – APPORTIONMENT OF PUBLIC MONEYS

This article contains the procedures for apportionment of State aid to local school districts. Included under the Article are the provisions regarding State aid for handicapped pupils. Through Chapter 53 of the Laws of 1980, a revised system of providing excess cost aid based on the level of special education service being provided to handicapped pupils was established. This system replaced the former categorical aid program. In addition, this law:

- adds "learning disabled" and "autistic" to the recognized classifications of handicapping conditions,
- mandates screening of every new entrant to school as well as all pupils who, based on required New York State testing programs, fall below determined standards in third and ninth grade, and
- adds transitional support services and related ser-

vices to the continuum of services available to children with handicapping conditions.

ARTICLE 89 – CHILDREN WITH HANDICAPPING CONDITIONS

Article 89 of the Education Law details the requirements and procedures for the education of handicapped children in New York State. It establishes the specific requirements of the State Education Department and local school districts in providing education to children with handicapping conditions.

This article:

- establishes procedures to determine aid to school districts based on expenses for education of children with handicapping conditions,
- requires local boards of education to:
  - identify numbers of children with handicapping conditions, and types of conditions, in each local school district,
  - establish a local Committee on Special Education which:
    - is composed of a school psychologist, a teacher or administrator of special education, a school physician and a parent of a handicapped child living in the district,
    - reviews medical and school data supplied by schools and parents about children with handicapping conditions,
    - conducts mandated and other necessary evaluations to determine the nature and extent of a handicapping condition and eligibility for special education,
    - recommends placement of such children to parents and boards of education,
    - provides a written notice to parents of the evaluation, identification, modification of program, or if placement of their child will be changed,
    - evaluates local programs periodically,
  - provide appropriate special services to educate children with handicapping conditions, and
  - provide suitable transportation for such children to and from special classses and programs, and
  - refer severely handicapped students to adult service agencies, on receipt of consent, in order to plan for an appropriate transition from school to work.
- requires the State Education Department to:
  - maintain a register of handicapped children,
  - formulate regulations about the education of such children,
  - recommend, when appropriate, changes in programs for children in facilities operated by the Department of Social Services, Division for Youth, Department of Health, Office of Mental Health Department of Correctional Services, Office of Mental Retardation and Developmental Disabilities,
  - establish an Education Commissioner's Advisory Panel to advise about unmet needs and comment on rules and regulations, and to include at least:
    - five handicapped persons,
    - five teachers of handicapped children,
    - five parents,
    - five state and local educational officials, and
    - five representatives of State associations concerned with education of handicapped children.
  - distribute an easy to read handbook for parents explaining the obligations of the school system and the rights of the parents.

This law also:

- sets up procedures through which parents can appeal placement decisions:
  - first, through an Impartial Hearing Officer appointed by the Board of Education, and
  - second, through review by the Education Commissioner, and
- authorizes placement of children in out-of-state schools, if necessary.

The New York State public school system may provide free public education programs and services to children under the age of five, however, it is not required by law to do so. There are some special education programs, however, providing services to young handicapped children below the age of five which receive funding when parents petition for the costs of these services through Family Court. These programs are available in various public and private agencies throughout New York State.

In accordance with Section 236 of the Family Court Act and Section 4406 of Article 89 of the Education Law, parents of handicapped children below the age of five may petition the Family Court in their county of residence for the costs of tuition, transportation and maintenance for special education programs for the school year. Summer programs may be obtained for all handicapped children in the same way, regardless of age. Children handicapped because of mental, physical or emotional reasons, as defined in Part 200 of the Commissioner's Regulations, are eligible for this type of funding. Upon receipt of the petition, the Family Court judge may issue an order to approve costs in appropriate cases. Costs are then charged to the county. Based upon an individual review of the child's program and a determination of whether the child's program meets certain minimum requirements, the Commissioner of Education may reimburse the county for up to 50 percent of the amount ordered by the Court.

Chapter 544 of the Laws of 1982, which amended Chapter 89, established a planning and referral process for handicapped children in facilities outside of the State who will need services in New York after age twenty-one when they will no longer be eligible for a free appropriate public education. Chapter 570 of the Laws of 1983 established a similar planning and referral process for handicapped children who have been placed in in-state residential programs. Guidelines for school districts' implementation of these two laws were not distributed until 1985 when they were amended by Chapter 82 of the Laws of 1985. This amendment made these two pieces of "aging-out" legislation consistent with the Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment). Chapter 462 of the Laws of 1984 provides comparable aging-out procedures for certain handicapped children who attend in-state non-residential special education programs. Guidelines pertaining to Chapter 462 were also distributed in 1985.

Another important legislative amendment to Article 89 was Chapter 644. This Chapter was approved by the New York State Legislature to become effective July 1, 1983. This amendment allows all local school districts to appoint subcommittees to assist the school district Committee on Special Education in the evaluation and placement of handicapped students. It is expected that this legislation will assist local school districts in New York to ensure timely evaluation and placement of handicapped pupils by permitting the assignment of additional staff for this purpose.

ARTICLE 81 – EDUCATION OF CHILDREN RESIDING IN CHILD CARE INSTITUTIONS

Article 81 of Education Law establishes the procedures for providing educational services to handicapped children entering or residing in child care institutions as of July 1, 1981. This article was amended through Chapter 563 of the Laws of 1980, to provide greater consistency with policies and procedures which have been developed for the delivery of special education and related services to handicapped pupils served in the public sector. Chapter 563 includes the following key provisions:

- establishment of Committees on Special Education in child care institutions,
- establishment of procedures for payment of tuition and maintenance for handicapped children residing in child care institutions through the development of interagency agreements,
- provision of authority to the Commissioner to establish and enforce standards of instruction, personnel qualifications, and other requirements for education services or programs, and
- provision of authority to Family Court, Probation, and Social Services to seek evaluative information from a local school district when placement in a child care institution is being considered for a child who is suspected of being handicapped.

Article 81 was further amended through the enactment of Chapter 947 of the Laws of 1981. This amendment redefined a "child care institution" by adding a new category of care entitled "Residential Treatment Facility for Children and Youth" (RTF). This new category of care allows for the placement of a child under the care of the Office of Mental Health in an RTF based upon approval of a pre-admission certification committee, whether or not the placement is being made by a public agency. The pre-admission certification committee when considering placement of a pupil thought to be handicapped in an RTF must seek evaluative information from the pupil's local school district of residence.

The local school district CSE is responsible, upon request by a public agency or a pre-admission certification committee, to conduct an individual evaluation of the child which is comparable to the evaluation described in the Regulations of the Commissioner of Education Part 200.4.

ARTICLE 85 – INSTRUCTION OF THE DEAF AND OF THE BLIND

Article 85 provides procedures for educating the deaf and the blind in the approved institutions. This law:

- lists the New York State schools for the deaf and the blind which are subject to visitation by the State Education Commissioner (these schools are listed in Section 4201 of the law; hence the phrase "4201 Schools" is often used to refer to them),
- gives the Education Commissioner the power to draft regulations governing admission to these schools,
- allows deaf children three years of age or older who have lived in New York State for one year (unless the Education Commissioner waives this requirement), to be appointed as State pupils in one of these schools and receive board, lodging and tuition; deaf children under three are eligible for tuition,
- allows blind persons of suitable age and capacity who also have lived in New York for one year (unless the Education Commissioner waives this requirement), to be appointed as State pupils in one of these schools; and

- specifies the regular term of instruction for such pupils and the financial aid available to both schools and pupils.

ARTICLE 87 – NEW YORK STATE SCHOOL FOR THE BLIND

ARTICLE 88 – NEW YORK STATE SCHOOL FOR THE DEAF

These Articles regulate the State schools with respect to:

- appointments to the Board of Visitors,
- appointments as faculty or superintendent of the school, and
- admission policies.

STATE REGULATIONS and ACTION PLAN (APPENDIX B)

PART 200 OF THE RULES AND REGULATIONS OF THE COMMISSIONER OF EDUCATION

The provisions of Article 89 of the Education Law in New York give the Commissioner of Education authority to make regulations to provide for the physical and educational needs of handicapped children. As a result of the passage of the Education for All Handicapped Children Act in 1975, the State regulations for handicapped children have been periodically revised to incorporate the guidelines and key concepts contained in the Act. In April of 1984, the revised Part 200 Regulations of the Commissioner were given final approval by the Board of Regents. These regulations represent the culmination of several years of State level activities regarding handicapped pupils including:

- legislative initiatives,
- monitoring of local school districts and agencies serving handicapped children,
- training of individuals involved in the education of handicapped children,
- Department study of the process of identifying and programming for handicapped children (Classification and Standards Project),
- field testing of a noncategorical program model.

SUMMARY OF PROVISIONS

All sections of the revised Part 200 Regulations are effective as of July 1, 1986 for all local school districts and public and private agencies providing educational services to handicapped pupils. Sections 200.1-200.5 cover special education definitions; board of education responsibilities; committee on special education responsibilities; sequence of activities from referral to the development of the individualized education program; and due process procedures. Sections 200.7-200.12 contain programmatic and fiscal guidelines for private, State-operated and State-supported schools.

Sections 200.6 and 200.13 describe the ways in which special education programs can be structured to provide a full continuum of services to handicapped pupils. In all instances, special education programming is based on a model of placing handicapped pupils and organizing instructional groups according to similar needs.

This system bases a pupil's eligibility for special education and specific program and placement on four distinct areas of individual need, as determined by a multidisciplinary team. The areas considered are:

1. academic or educational achievement and learning characteristics,
2. social development,
3. physical development, and
4. management needs of the pupil(s) in the classroom.

Once decisions have been made regarding a handicapped pupil's special educational needs in the areas identified above, appropriate programs and services are recommended to meet those needs. Using this approach, programs can consist of pupils with the same handicapping conditions or different handicapping conditions.

For autistic students, specific program requirements are provided in Section 200.13, in accordance with State law. Such students, however, must also be provided access to the full continuum of services described in Section 200.6.

Following is a topical outline of the new Part 200 Regulations:

- Section 200.1 Definitions
- Section 200.2 Board of Education responsibilities
- Section 200.3 Committee on Special Education
- Section 200.4 Procedures for referral, evaluation, individualized education program (IEP) development, placement and review
- Section 200.5 Procedural due process
- Section 200.6 Continuum of services

- Section 200.7 Program standards for...private schools and State-operated or State-supported schools
- Section 200.8 State assistance for instruction of handicapped pupils pursuant to Section 4406 of Education Law
- Section 200.9 State reimbursement to private schools and special act school districts
- Section 200.10 Reimbursement to certain State-operated and State-supported schools for the blind, deaf, and severely handicapped pupils
- Section 200.11 Admission to public schools for children residing in facilities of OMH and OMRDD or child care institutions
- Section 200.12 State assistance for the transportation of pupils in residential schools
- Section 200.13 Education programs for autistic pupils

REGENTS ACTION PLAN

This plan was developed to address major issues pertaining to general education. The document adopted in March 1984, revises statewide educational goals and standards for teaching and instruction.

The Action Plan addresses the needs of students with handicapping conditions throughout its entirety. Major highlights specific to handicapped students are as follows:

- All syllabi revisions will include materials and activities to increase awareness and information about persons with disabilities.
- Curriculum in special education must be equivalent to regular education content and objectives for all handicapped students who can benefit.
- Students must be afforded the use of appropriate specialized approaches and environmental modifications.
- All teachers should be able to work effectively with handicapped students appropriately placed in their classes.

REVISED PART 100

These regulations were approved by the Board of Regents on November 16, 1984. These regulations implemented most of the provisions of the Regents Action Plan. Several portions of the regulations address the needs of handicapped students (Appendix B: CR 100).

Section 100.2(d) requires instructions in a second language for students in grades K-9 and the new language requirements in order to receive a Regents diploma. All handicapped students must be assured access to second language programs. For some handicapped students, this requirement may not be appropriate to their individual needs and they may be exempted through a recommendation by the CSE to the Board of Education.

Section 100.2(e) requires that all schools must offer all students the opportunity to meet the requirements for receiving a Regents diploma. Handicapped students will need to have a well planned program/course of study and these plans should be made as early as appropriate to assure equal acccess to diploma opportunities.

Section 100.2(g) allows for the use of alternative testing techniques, as appropriate, for students with handicapping conditions. Consistent with this process is the opportunity for handicapped students to have equal access to all state mandated tests for the purpose of demonstrating their skills and competencies without being limited by a handicapping condition. The CSE has the responsibility to recommend the inclusion of these alternative methods of test taking to the parent and Board of Education as part of the Phase I IEP.

Section 100.2(j) states that each school district must provide guidance programs to all students, including special education students, on an annual basis regarding post-secondary career plans, attendance problems and/or academic and behavioral or adjustment problems.

Section 100.2(k) requires that schools must ensure nondiscriminatory practices in providing curriculum and extracurricular activities. Handicapped students cannot be denied access to programs due to their disability.

Section 100.2(l) requires that school districts develop and implement a written policy on school conduct and discipline. Such policies must include procedures for determining when a handicapped student's conduct necessitates referral to the CSE for consideration of the need to modify the student's IEP.

Section 100.2(s) specifically states that students with handicapping conditions be ensured access to the full range of services appropriate to their needs. Also, in order to help assure full access, school districts must modify instructional techniques and materials. It is anticipated that a majority of handicapped students are able to accomplish the goals and objectives of the regular education curriculum if special assistance can be provided.

Section 100.6 extends the awarding of local certificates to all students with handicapping conditions who are unable to meet the requirements for a diploma provided that the student has met the goals developed in the IEP and has attended school for 13 years beyond the kinder-

garten level and that the district has adopted written policies and procedures ensuring that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma.

Section 100.7 establishes requirements for high school equivalency diploma programs. Students with handicapping conditions are to be ensured access to examinations and programs designed to provide this alternative credential.

PART 117

This Part implements the screening mandated through Chapter 53 of the Laws of 1980. The purpose of this Part is to establish standards for the screening of every new entrant to the schools to determine which pupils are possibly gifted or have a possible handicapping condition. Through the provisions of this Part, pupils who may have a handicapping condition must be referred to the Committee on Special Education no later than 15 calendar days after completion of the diagnostic screening.

PART 116

This Part of the Regulations of the Commissioner was added in 1978 and amended in 1984 to provide for consistency in special education programs and services for handicapped children in full-time residential care in homes or facilities operated or supervised by a state department or agency or political subdivision.

NEW YORK STATE PROCEDURES

The procedures described in the following pages are an important part of the whole system of helping children with handicapping conditions because they directly affect the lives of such children.

The descriptions relate to:

- The Committee on Special Education,
- Developing Individualized Educational Programs,
- Independent Evaluations,
- Procedural Safeguards,
- Impartial Hearings,
- Appeals to the Commissioner, and
- Significant Court Cases.

THE COMMITTEE ON SPECIAL EDUCATION

In New York State, the Committee on Special Education is the group responsible for ensuring that each child with a suspected handicapping condition is fairly assessed, and that an Individualized Education Program is prepared, implemented and reviewed on an annual basis. State law mandates that each board of education, board of trustees or facility director appoint a Committee on Special Education made up of at least a school psychologist, a teacher or administrator of special education, a school physician, and a parent of a handicapped child living in the district, provided that such parent is not employed by or under contract with the school district. In addition to the four mandated members, a Board may appoint other members, as needed. (Appendix A: Ed. L. 4402; Ed. L. 4002)

It is the responsibility of the Committee to conduct a comprehensive evaluation of each child referred in order to determine whether a handicapping condition exists and the extent to which special education is needed. To meet its responsibility, Ed. L. 4402(1)(b)(3)(a) requires the Committee to review and evaluate all relevant information on the child's performance. This information must include that which is presented by the child's parent or guardian, presented in writing and/or in person at the IEP development meeting, and the child's current teacher, whether an employee of a public or private school. If the child's teacher is an employee of the public school, the teacher must attend and participate in the IEP development meeting for the child. If an employee of a private school, the teacher must be invited to attend and participate in the IEP development meeting for the child or to provide input in an alternative manner. In addition, the results documented from the individual psychological examination and social history, physical examination, classroom observation, other suitable evaluations and examinations needed to ascertain the physical, mental, emotional and cultural-educational factors which may contribute to the handicapping condition, and all school data which bears on the child's progress must be reviewed and evaluated for placement decisions.

DEVELOPING INDIVIDUALIZED EDUCATION PROGRAMS

Each public agency operating a school is responsible for developing, implementing, reviewing and revising, at least annually, an individualized education program (IEP) for each pupil with handicapping conditions enrolled in the school. The public school district or agency school meets this responsibility by initiating and conducting meetings through the Committee on Special Education. (Appendix A: Ed. L.4402(1); Appendix B: CR 200.3; CR 200.4) The IEP is developed, implemented, re-

viewed and revised as needed in two phases. It documents the pupil's educational needs and serves as an instructional management tool to meet those needs. For these purposes, the IEP is maintained within each pupil's cumulative record for use in both individual pupil and agency program planning and review.

Listed below are the steps which make up the IEP development process in New York State.

1. Referral of a pupil thought to be educationally handicapped.
2. On receipt of parental consent, evaluation of the pupil to determine special educational needs and classification.
3. IEP Phase I – Recommendations to BOE and parents for the approval of special education placement, program, and related services (to be completed within 40 school days of the date of receipt of a referral or 30 days of receipt of parental consent, whichever occurs earlier).
4. Implementation of the approved special education program (to be completed within 30 school days of CSE recommendation to BOE and parents).
5. IEP Phase II – Planning conference to complete the IEP (to be completed within 30 school days of pupil's entrance into the approved placement).
6. IEP Implementation and Annual Review.

Each of these steps is described below, followed by a description of procedural safeguards required at each step (see pages 28-33).

Step 1 – Referral: (Appendix B: CR 200.4(a))

A school-aged child who is thought to have a handicapping condition that negatively affects educational performance must be referred in writing to the chairperson of the CSE or the building administrator of the school which the pupil attends or is eligible to attend. The referral must indicate the reason for believing that the child may be handicapped. It may be made by any of the following persons:

- A pupil's parent or person in parental relationship.
- A professional staff member of the school district in which the pupil resides or the public or private school the pupil legally attends.
- A licensed physician.
- A judicial officer.
- The commissioner or designee of a public agency with responsibility for the welfare, health or education of children.
- For purposes of referring one's self, a pupil who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district.

A referral received by a building administrator must be sent to the CSE chairperson immediately upon its receipt. A CSE which receives a referral directly or through a building administrator must notify the parents of its receipt immediately, as described in the Commissioner's Regulations (Appendix B: CR 200.4(a))

Step 2 – Evaluation: (Appendix B: CR 200.4(b))

The information required to assist the Committee with the classification and assessment of an individual pupil's needs includes data which only a comprehensive evaluation can provide. Such an evaluation must include at least a physical examination, a psychological examination, a social history, observation in the pupil's current educational setting, and other tests which can ascertain those physical, mental and emotional factors that contribute to the suspected handicapping condition and identify the educational needs of the pupil. Prior to conducting the evaluation, the Committee should collect any existing information about the pupil, including that which can be provided by the pupil's current teacher(s) and the parent, and determine if additional test data is needed. Then, with parental consent, the Committee proceeds with its evaluation procedure. (Appendix B: CR 200.5(a); CR 200.4(b))

The evaluation procedure (Appendix B: CR 200.4(b)) is the primary vehicle for determining if a pupil is educationally handicapped and, therefore, eligible for special education. To correctly determine the pupil's educational needs and handicapping condition, the completed evaluation should indicate the levels of academic/educational achievement and learning rates, levels of social and physical development, and management needs of the pupil in the classroom. To assure this result, the evaluation procedure shall:

- Include testing of the pupil in all areas related to the suspected disability. No single procedure may be used as the sole criterion for determining the pupil's appropriate educational needs and program.
- Be conducted by a multidisciplinary group of persons, including at least one teacher or other specialist who is certified or knowledgeable in the area of the suspected disability.

Also, tests used in the comprehensive evaluation:

- Must include those which assess specific areas of educational need, as well as those which provide a general intelligence quotient.
- When given to a pupil with impaired sensory, manual, or speaking skills, shall be administered to accurately measure the child's aptitude or achievement level. The only exception is when the test is given to

measure the degree of skill impairment rather than the child's level of aptitude or achievement.

Tests must be selected and administered so as not to be racially or culturally discriminatory, that is,

- Administered in the child's dominant language/mode of communication (unless this is clearly not feasible).
- Validated for the specific purpose for which they are used.
- Administered by personnel trained according to the instructions of the test developers.

The comprehensive evaluation is an important step in the development of the IEP. Because it is multidisciplinary in nature, performed by certified professionals, and incorporates information provided by the parents, the evaluation is essential in determining a pupil's individual educational needs and handicapping condition. Those needs are established through the evaluation findings of the pupil's academic/educational achievement and learning characteristics, levels of social and physical development, and management needs in the classroom. This data leads to the Committee's recommendations for special education program placement, and services.

OBTAINING AND DOCUMENTING INFORMATION

Through the above procedures and by the required notices described on pages 61-64 of this Plan, the State assures that each public agency considers and documents information from a variety of sources prior to program/placement recommendations and decisions.

INDEPENDENT EVALUATIONS (Appendix B: CR 200.l(q))

An independent evaluation is an individual evaluation (defined in CR 200.1(q)) of a pupil thought to be handicapped conducted by a person who is not employed by the public agency responsible for the education of the pupil. (Appendix B: CR 200.l(q))

Independent evaluations, when submitted by the parent, must be reviewed and evaluated by the Committee on Special Education in the process of determining the pupil's need for special education programs and related services.(Appendix A: Ed. L. 4402(1)(b)(3)) Parents have the right to present evidence, including the results of independent evaluations at a hearing. (Appendix B: CR 200.5)

Each school district and each child care agency maintaining a school shall make available a register of public or private agencies and other professional resources within the county from which a parent or legal guardian may obtain an independent evaluation of the child. (Appendix A: Ed. L.4402(3))

Parents have the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, unless the agency initiates a hearing to determine the appropriateness of its evaluation and the hearing officer concludes that the agency evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

Step 3 – CSE Recommendation – IEP Phase I: (Appendix B: CR 200.4(c))

The pupil's teacher shall participate in any meetings of the committee on special education or sub-committee which have the purpose of developing the Phase I IEP and for the purposes of developing, implementing, reviewing and revising the IEP of the pupil under consideration. Notice to the parents of such meetings must occur at least 5 days in advance of the meeting to ensure that the parents will have the opportunity to attend and provide for the conduct of the meeting at a mutually agreed time and place.

The Committee on Special Education recommendation is based on a review of the evaluation information and direct discussions in meetings with parents of the pupil, the pupil's current teacher, and others involved in the education of the child. Parents are guaranteed the right to participate in the development of any recommendation before it is sent to the Board of Education. Participants at the IEP development meetings may include other individuals, including specialists who may have conducted evaluations or examinations of specific abilities or who may provide program recommendations based on such evaluations or examinations, at the request of the parent or school. If the pupil doesn't qualify for special education, the recommendation made by the Committee on Special Education to the Board of Education will indicate the reasons for this and a copy of the evaluation information will be sent to the building administrator to consider for future programming for the child. If the pupil qualifies for special education services, the Committee on Special Education will develop its recommendation in the form of Phase I of the IEP, a copy of which is to be forwarded to the Board of Education and the parent. (Appendix B: CR 200.4(c) A copy of the Phase I IEP shall be provided to the appropriate teachers and supervisors of the recommended special education programs and services. With Board of Education approval of the recommendation, arrangements can begin for the child's entrance into special education, pro-

vided that parental consent has been obtained for pupils entering special education for the first time.

The Committee has no more than forty (40) school days from the date of receipt of a referral or thirty (30) days from receipt of parent consent, whichever period shall end earlier, to complete the following:

- Notify the parents of the referral and the subsequent plans and meetings of the Committee (See page 28–Notification),
- Obtain parental consent to the evaluation plan (See page 30-Consent),
- Conduct or arrange for the conduct of a comprehensive evaluation,
- Meet to develop recommendations based upon the evaluation; provide parents with the opportunity to participate in meetings with the Committee to discuss recommendations, and
- Forward its findings and recommendations to the Board of Education with a notice to the parents which details the recommendations and specifies their rights to consent and due process if they disagree with the findings or recommendations. (See pages 28–30

The Regulations of the Commissioner of Education – Part 200 require the following information be included in Phase I of the IEP:

- A report of the Present Levels of Performance indicating the individual needs in each of the following areas:
  (a) academic or educational achievement and learning characteristics,
  (b) social development,
  (c) physical development, and
  (d) management needs of the pupil(s) in the classroom;
- The pupil's handicapping condition;
- The annual goals that are consistent with the pupil's educational needs and abilities;
- Instructional objectives and evaluative criteria to be followed during the period beginning with placement and ending with the completion of Phase II of the IEP;
- The recommended special education programs and related services and the extent to which the pupil will participate in the regular education programs including physical education or adaptive physical education programs. If a special class program is recommended, the appropriate class size is stated. Also, if occupational/vocational education is stated as a goal, the appropriate program is described here;
- The projected date for initiation of special education programs and related services, the amount of time per day the pupil will receive such services, and the projected date of review of the pupil's need for such services;
- A description of any specialized equipment and adaptive devices needed for the pupil to benefit from education;
- A listing of those testing modifications to be used consistently by the pupil in the recommended program; and
- The selected placement (the school, district or other educational agency which will provide the programs and services described).

Step 4 – Entrance into Special Education: (Appendix B: CR 200.4(d))

Upon agreement of the Board of Education and the parent to the recommendation, the Committee on Special Education should contact the appropriate program administrator to begin final arrangements for a smooth transition of the pupil into the special education program.

Given that the IEP must be implemented as soon as possible following the committee's determination of eligibility, the school district has no more than thirty (30) school days from the date that the Committee on Special Education forwarded its recommendation to the Board of Education to complete the following:

- gain Board of Education approval and notify the parents of the Board's action;
- gain parental consent for placement and services, for pupils entering special education for the first time;
- arrange for the placement of the pupil;
- forward all necessary information, including Phase I of the IEP, to teachers and supervisors who will be providing the services; and
- begin the program and services according to the dates specified in the Phase I IEP. (These agreed dates determine when the IEP is to be implemented.)

Step 5 – Planning Conference – IEP Phase II: (Appendix B: CR 200.4(e))

The IEP is completed by those actually providing the special education programs and services and the parent of the pupil. Participants at the planning conference shall include the pupil's teacher, the pupil, whenever appropriate, the parent or legal guardian, and other individuals at the discretion of the parent or agency. The agency shall ensure that the parent understands the proceedings at the meeting and shall arrange for the presence of an interpreter, if necessary. The parents shall, upon request, receive a copy of the Phase II IEP. If

the pupil is not in a district-operated program, a representative of the school district responsible for the development of Phase I of the IEP who is qualified to provide or supervise the provision of special education shall be given the opportunity to attend. A representative of the agency, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education shall also be given the opportunity to attend the initial planning conference and shall attend each subsequent planning conference for such pupil. A member of the evaluation team, or a person who is knowledgeable about the evaluation procedures used with the pupil, shall also be given the opportunity to attend the planning conference for a pupil who is being placed for the first time.

Step 6 – IEP Implementation and Annual Review: (Appendix B: CR 200.4(f))

The completed IEP provides the framework for the pupil's daily instruction and teacher evaluation activities. It is implemented by the pupil's teachers and related service providers in cooperation with the pupil's parents. The CSE is required to review the pupil's educational program at least yearly to ensure that it meets the child's educational needs.

The scheduled annual review, or any other more frequent reviews or reevaluations scheduled by the Committee on Special Education, or reviews requested through a referral by the pupil's parent or teacher (Appendix B: CR 200.4 (e)) for purposes of recommending the continuation, change or termination of the pupil's program, require notification and the opportunity for parent involvement and participation in IEP review meetings. .

Committees shall arrange for a comprehensive reevaluation, by qualified appropriate professionals, of each handicapped pupil every three years (Appendix B: CR 200.4(f)(4)) or more frequently if it is determined that a reevaluation is warranted as a result of a review described in the preceeding paragraph.

PROCEDURAL SAFEGUARDS

Due Process Procedures

Procedures to guarantee the rights of handicapped pupils and those thought to have handicapping conditions are included in the process of identification, evaluation, and the provision of educational programs for these pupils. The CSE has a major role in following the practices set by law and regulation to assure that appropriate and timely due process safeguards are provided for each pupil.

Due process procedures involve prior notification and consent of the parent regarding actions to be taken on behalf of a handicapped pupil, the determination of the need for and the appointment of surrogate parents, confidentiality of student records, formal impartial hearings, and appeals to the Commissioner of Education, in the event that disagreements arise which cannot be resolved through other means. (Appendix A: Ed. L.4404; Ed. L.4005(2)(b); Appendix B: CR 200.5)

NOTIFICATION

Notice is a statement written in language understandable to the general public, or in the dominant language or mode of communication of the parents, which describes proposed actions by the school district or the CSE for a pupil who is thought to be handicapped. There are a number of sequential notices which are required to contain specific information. The school district has the responsibility to send the parent notice of (1) the CSE's receipt of referral for evaluation and to invite the parent in to develop a recommendation for their child; (2) the CSE recommendation to the Board of Education regarding the pupil's need for special education; (3) the BOE's approval or disapproval of the CSE recommendation for placement and services; (4) the CSE's intent to conduct a reevaluation or annual review of the pupil and an invitation again for the parent to participate in the development of a recommendation; (5) the CSE recommendation to the Board of Education regarding the continuing needs of the pupil for the same or modified levels of special education services. The notices numbered 1 (referral), 2 (initial recommendation for special education), 4 (intent to conduct annual review) and 5 (recommendation based on annual review), each include a detailed description of parental due process rights (Appendix B: CR 200.5); notices (3) and (6) include the BOE's approval or disapproval of any recommendation resulting from an annual review or reevaluation. (Appendix B: CR 200.4; CR 200.5)

CSE Notice of Referral

The chairperson of a CSE which receives a referral of a pupil who has not been previously identified as having a handicapping condition, must notify the parent in writing, immediately, of the referral and that evaluative information is being sought regarding the pupil. (Appendix B: CR 200.5(a)(1)(2))

If, in order to meet notice requirements, information must be provided in a native language or other unwrit-

ten mode of communication, the district must retain evidence, in writing or by other recording, that the parent understands the content of the notice.

The notice must:

- include a description of the proposed evaluation and the uses to be made of the information;
- state that the school files, records and reports pertaining to the pupil will be available to the parent for inspection and interpretation. Such records shall be available for duplication at a reasonable cost;
- indicate that the parent shall have the opportunity to participate in meetings of the Committee on Special Education for the purpose of developing recommendations in accordance with the provisions of Section 200.4(c) of the regulations, and that the parent may be accompanied at such meetings by such individuals as the parent may desire;
- inform the parent of his or her right to request the presence of the school physician member of the Committee on Special Education at any meeting of such committee pursuant to Section 4402(1)(b)(1) of the Education Law;
- indicate that the parent may submit evaluation information which, if submitted, shall be considered by the committee as part of its evaluation or review;
- indicate that:

  (a) if the parent disagrees with the evaluation obtained by the school district, the parent has a right to obtain an independent educational evaluation at public expense. However, the school district may initiate an impartial hearing to show that its evaluation is appropriate and, if the hearing officer determines that the evaluation is appropriate, the parent has a right to an independent evaluation, but not at public expense;

  (b) upon request, the parent shall be provided the names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where independent educational evaluations may be obtained;

- request parental consent to the proposed evaluation of a pupil not previously identified as having a handicapping condition.
- include a statement of procedures for appealing the decision resulting from the formal hearing;
- indicate that the parent or legal guardian may be able to obtain free or low-cost legal and other relevant services at no expense to the school district, and include the names, addresses and telephone numbers of appropriate agencies and other professional resources where such services may be obtained; and
- indicate that during the pendency of any proceedings conducted pursuant to this section, unless the commissioner or local board of education and the parents or legal guardian otherwise agree, the pupil shall not be evaluated and shall remain in the then current educational placement of such pupil, or if applying for initial admission to a public school, shall be placed in the public school program until all such proceedings have been completed.

This notice or a subsequent notice also provides information on the date, time, location and persons expected to attend the meeting during which the parent will have the opportunity to participate in the development of Phase I of the IEP and to address the Committee, either in person or in writing, on any recommendation to be made to the Board of Education. Provision for a subsequent notice is to assure a mutually agreeable date, time and location for IEP meetings. If parents cannot attend IEP meetings, records of attempts made by the Committee to arrange a mutually agreeable time and place must be maintained.

CSE Notice to Parent of the Recommendation to the Board of Education

After the CSE has completed an evaluation of a pupil, it must send a written report to the Board of Education with a recommendation regarding the pupil's need for special education. The report must be sent whether or not the parent has chosen to address the Committee, and must contain the following statements:

- A conclusion as to whether or not the child does have a handicapping condition which requires special education,
- A recommendation for educational placement and program if the pupil is determined to be handicapped.

The CSE must send written notice to the parents of its recommendation to the Board. (Appendix B: CR 200.5(a)) This notice must be no later than 40 school days following the date the referral was made to the school district or 30 days from receipt of parental consent. (Appendix B: CR 200.4(c), CR 200.5(a)) This notice must include the following:

- a detailed description of the recommendation to the Board of Education;
- the specific tests or reports upon which the recommendation is based;
- a detailed description of the right to obtain a hearing in accordance with the provisions of subdivision (c) of this section;

- a statement of procedures for appealing the decision resulting from the formal hearing;
- indication that the parent or legal guardian may be able to obtain free or low-cost legal and other relevant services, at no expense to the school district, and include the names, addresses and telephone numbers of appropriate agencies and other professional resources where such services may be obtained;
- indication that, during the pendency of any proceedings conducted pursuant to this section, unless the commissioner or local board of education and the parents or legal guardian otherwise agree, the pupil shall not be evaluated and shall remain in the then current educational placement of such pupil, or, if applying for initial admission to a public school, shall be placed in the public school program until all such proceedings have been completed; and
- a request for parental consent for the district to provide special education programs and services for pupils entering special education for the first time. (Appendix B: 200.5(a)(4))

Notice by the Board of Education

Within 30 school days after receiving the recommendation (Phase I) from the CSE, the Board of Education must place the child in the appropriate program. To do so it must send written notice of its determination to the parent or legal guardian. If the determination by the Board is not consistent with the recommendation of the CSE, the notice must include a statement of the reasons for this decision. The Board of Education must also notify the parent of its decision on a CSE recommendation resulting from an annual review or reevaluation of a handicapped pupil in accordance with CR 200.1(v). (Appendix A: Ed. L.4402; Appendix B: CR 200.5(a)(5))

CSE Notice of Reevaluation and Annual Review

Before a CSE conducts a reevaluation or annual review of the status of a pupil who has previously been identified as having a handicapping condition, the CSE must give written notice to the parent, which includes information similar to the notice of referral. However, parental consent is not required before the reevaluation or review is conducted. (Appendix B: CR 200.5(a)(1))

CONSENT

Written consent of the parent must be obtained by the school district prior to: (1) conducting an evaluation of a pupil who has not previously been identified as having a handicapping condition; and (2) prior to the initial entry of a handicapped pupil into a special education program. (Appendix B: CR 200.5(a); CR 200.5(b))

The parents must be fully informed, in their dominant language or mode of communication, of all information relevant to the activity for which consent is sought, including notification that the pupil's records will be released to certain identified individuals. Before the parent agrees in writing to the proposed action, the parent should be made aware that consent is voluntary and may be reconsidered at any time. (Appendix B: CR 200.1(v); CR 200.1(i))

Under subdivisions (a),(b) and (c) of Section 200.5 of the Regulations of the Commissioner, certain timelines and procedures are required for the district to request consent. Specific alternatives are noted in the event that the parent chooses to withhold consent or fails to respond to the district's request.

SURROGATE PARENTS

Usually, pupils referred to CSE are represented by their natural parents or legal guardians who serve in a parental relationship. However, sometimes the Committee on Special Education may receive a request from any individual whose work involves the education or treatment of children for the assignment of a surrogate parent to a pupil. The Committee on Special Education is responsible for sending notice of the possible need for a surrogate parent to the adult in charge of the pupil's place of residence and to the parents' or guardians' at their last known address. Following the receipt of the request for a surrogate parent, the CSE must determine whether the parents or guardians are unknown or unavailable or whether the pupil is a ward of the State.

Within 10 days of the date that the Committee on Special Education finds that there is a need for a surrogate parent, the Board of Education must assign a qualified individual to represent the pupil. The Board of Education selects the surrogate parent from a list of individuals who are eligible and willing to serve in this capacity. The Board of Education must select individuals who are not officers, employees or agents involved in the education or care of the pupil and who meet the following qualifications to the extent possible:

- have no other interest which could conflict with their representation of the pupil;
- be willing to acquaint themselves personally with the pupil and the pupil's needs;
- be of the same racial, cultural and linguistic background as the pupil they seek to represent; and

- be generally familiar with the educational options available to handicapped children.

The assigned surrogate parents must commit themselves to representing the pupil in all matters relating to the identification, evaluation and educational placement of the child and provision of FAPE at least through the time of the first periodic review of the pupil's educational program and should be so informed. (Appendix B: CR 200.5(e))

CONFIDENTIALITY OF RECORDS

Due process requires a system of communication between the school district, the parents and other professionals who are involved in making decisions about the education of children and requires Boards of Education to protect the confidentiality of records, or other personally identifiable data and information about a pupil with a handicapping condition. Parents and their representatives have the right to review all records related to the identification, evaluation, placement and provision of a free appropriate public education to their children. Such information cannot be disclosed by an officer or employee of the State Education Department or any school district, or a member of the Committee on Special Education to any person other than the parent of the pupil, except in accordance with the provisions of Part 99 of Title 34 of the Code of Federal Regulations, commonly known as the Buckley Amendment.

Education Law 4403, Subdivision 9, requires the State to make provision by regulation of the Commissioner to assure confidentiality of any personally identifiable data, information, and records. The provisions of Part 99 of Title 34 CFR were adopted by the Board of Regents through the Regulations of the Commissioner of Education Part 200 – Handicapped Children. Section 200.5(f) incorporates them by reference. (Appendix A: Ed. L.4403(9); Appendix B: CR 200.5(f); Appendix C: Office of Counsel Memorandum – Student Records, November 1974; Buckley Amendment Regulations, 34 CFR, Part 99.)

IMPARTIAL HEARINGS

When disagreements about the evaluation, classification or placement for a free appropriate public education of a handicapped pupil between the Board of Education and the parents or legal guardians cannot be resolved, either party may request, in writing, that an impartial hearing be held. Each public agency responsible for arranging for such hearings shall select a hearing officer from the list of persons who may serve as hearing officers which the agency must maintain. During the pendency of any proceedings conducted, unless the commissioner or local board of education and the parents or legal guardian otherwise agree, the pupil shall remain in the then current educational placement or, if applying for initial admission to a public school, shall be placed in the public school program until all proceedings have been completed. (Appendix A: Ed. L.4404(4); Appendix B: CR 200.5(a)(2)(v)). Part 200.5 of the Regulations of the Commissioner contains specific time lines for making such requests, as well as the procedures for conducting the hearing.

Who May Request a Hearing?

The Board of Education:

- If the parent and referring party do not agree the referral is unwarranted and if the parent continues to withhold consent for evaluation for a period of 30 days after the CSE notification of referral and request for parental consent for evaluation, the Board must initiate a hearing to determine whether there is a need for evaluating the pupil, as provided in Section 200.5(b)(2).
- When a parent requests that an independent evaluation be at public expense, and the local school district believes that its evaluation is adequate and an independent evaluation is unnecessary, the Board must initiate a hearing to resolve the issue.
- If the parent does not consent to initial placement into special education within 30 days after the date of the CSE recommendation to the Board, the Board must initiate a hearing to resolve the issue.

A parent or guardian may initiate a hearing on any matter concerning the identification, evaluation or educational placement of the child on the provision of a free appropriate public education to the child. The hearing will be conducted in accordance with the following:

a. The board of education shall insure that not later than 45 days after the receipt of a request for a hearing:
   1. A final decision is reached in the hearing; and
   2. A copy of the decision is mailed to each of the parties.

b. The State educational agency shall insure that not later than 30 days after the receipt of a request for review:
   1. A final decision is reached in the review; and
   2. A copy of the decision is mailed to each of the parties.

c. A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

d. Each hearing and each review involving oral arguments must be conducted at a time and place which is reasonably convenient for the parents and child involved.

How Are Hearings Conducted? *(See Appendix B: CR 200.5(c) for regulatory provisions)*

These procedures must be followed when an impartial hearing is conducted:

1. The BOE or Trustees shall appoint an impartial hearing officer to conduct the hearing.
2. The board of education must maintain a written or electronic verbatim record of the proceeding which shall be kept and made available to the parties in the hearing.
3. Interpreters of the deaf or interpreters fluent in the dominant language of the pupil's home shall be provided at district expense.
4. The impartial hearing officer shall preside at the hearing and shall provide all parties an opportunity to present evidence and testimony.
5. The parties to the proceedings may be represented by legal counsel, or individuals with special knowledge or training with respect to the problems of handicapped pupils, and may be accompanied by any other persons of their choice.
6. Unless a surrogate parent has been previously assigned, the impartial hearing officer must determine whether the interests of the parent are opposed to those of the child, or whether for any other reason the interests of the child would best be protected by assignment of a surrogate parent. If so, the impartial hearing officer must designate a surrogate parent to protect the interests of the child.
7. The hearing should be closed to the public unless the parent requests an open hearing.
8. The parents, school district and their respective counsel or representatives shall have an opportunity to present evidence and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the introduction of any evidence, the substance of which has not been disclosed to such party at least five school days before the hearing. (Note: Parties may compel the attendance of witnesses via subpoena which may be issued by the hearing officer or by a court of competent jurisdiction.)
9. The parents shall have the right to determine whether the child shall attend the hearing.
10. The impartial hearing officer shall render a decision and mail a copy of the decision to the parents and to the BOE. The decision of the impartial hearing officer shall be based only upon the record of the hearing and shall site the reasons and the facts for the decision. The decision is final unless appealed and shall also include a statement advising the parents and the Board of Education of the right to obtain a review conducted by the State Education Department through the Commissioner. A decision must be rendered within 45 calendar days from the date the impartial hearing was requested by the parent or initiated by the board of education. A board of education must mail a copy of the decision to the State's advisory panel, in care of the State Education Department, within 5 days of receipt by the board.

Qualifications of the Hearing Officer

A hearing officer is an individual assigned by a board of education pursuant to Education Law Section 4404(1), or by the commissioner in accordance with CR 200.7(d)(2), to hear an appeal and render an independent decision. The individual assigned:

- shall be independent,
- shall not be an officer, employee, or agent of the school district or of the board of cooperative educational services of which the school district is a component, or an employee of the Education Department,
- shall not have participated in any manner in the formulation of the recommendation sought to be reviewed,
- shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing,
- shall have successfully completed a training program approved by the commissioner and have become certified through this process.

REVIEW OF HEARING OFFICERS' DECISION

With respect to the impartial review of hearing decisions, New York has adopted separate procedures depending on whether the hearing concerns alleged noncompliance by a local school district (and thus was conducted by an impartial hearing officer appointed by a local board of education) or whether the hearing con-

cerns alleged noncompliance by a state-operated program (and thus was conducted by an impartial hearing officer appointed by the Commissioner).

- An independent hearing officer is appointed by a local education agency to serve as a hearing officer in all hearings pertaining to that local education agency's actions. The determination of a hearing officer appointed by a local education agency is subject to an independent State-level review by the Commissioner upon appeal by either party.
- An independent hearing officer is appointed by the State Commissioner of Education to serve as a hearing officer in all hearings pertaining to State Education Department operated programs. The determination of a hearing officer appointed by the Commissioner is not subject to review by the Commissioner.

In the latter case, New York has elected to use a unitary or single tier hearing process, and therefore does not permit any appellate review by the Commissioner of the hearing decision. This process has been adopted because the hearing decision directly concerns the actions of persons under the Commissioner's supervision, and review of such a decision by the Commissioner would be inappropriate.

New York State assures that these independent hearing and review processes are further safeguarded by the right of either party to seek judicial review by means of a proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules or 20 U.S.C. Section 1415.

APPEALS TO THE COMMISSIONER

Either the parents or guardians of a handicapped child or the Board of Education may obtain a review of the impartial hearing officer's decision by filing a petition for review with the Office of Counsel of the State Education Department.

When making an appeal to the Commissioner of Education, certain concepts and procedures apply. These procedures, summarized below, are found in Part 279 of the Regulations of the Commissioner of Education. (See Appendix B: CR 279)

1. The person or party who brings the appeal is called the petitioner. The parent or legal guardian brings the petition on behalf of the child.
2. The person or party who must answer the issues in the petition is called the respondent.
3. Within 30 calendar days of receiving the decision of the impartial hearing officer, the petitioner must serve the respondent with a Notice of Intention to Seek Review. This statement informs the respondent that an appeal is being made to the Commissioner of Education and must be sent not less than 10 days before service of a copy of the petition for review.
4. Within 40 calendar days of receiving the decision of the impartial hearing officer, the petitioner must serve the respondent with a Petition for Review. This petition states the areas of disagreement.
5. All appeals must be addressed, in writing, to the Commissioner of Education. Oral arguments, when permitted, are conducted by a hearing officer appointed by the Commissioner at a time and place reasonably convenient to the parties to the appeal.
6. It is a State policy that all reviews are conducted in accordance with Federal regulation timelines. (Appendix C: Zick v. Ambach, p. 58)
7. The official conducting the review examines the entire hearing record, insures that the procedures at the hearing being reviewed were consistent with the requirements of due process, seeks additional evidence if necessary and makes an independent decision on completion of the review.

- Final decision on appeals are to be made within 30 calendar days of the date such appeals are received by the State Education Department, except that this time line may be extended as each case requires. A copy of the Commissioner's decision is mailed to the parties.

SIGNIFICANT COURT CASES

The exact meaning of specific sections of Federal and State laws, regulations and policies are at times clarified through State and Federal court decisions. Through an analysis of all pertinent information, interpretations of difficult issues are made. Some of these conclusions directly affect the provision of educational services to handicapped children in New York; others only affect the programs and services provided to an individual child.

The following is a brief description of court cases decided since the last Plan was developed and which have an impact on the education of handicapped children in New York. Each description includes a statement of the implications of the decision for handicapped children.

EVALUATION

Jose P. u. Ambach, (1979)

On behalf of all handicapped children ages five through

twenty-one living in New York City who had not been evaluated within 30 days or placed within 60 days of referral to the CSE, a class action suit was brought in Federal court to secure timely evaluation of all such children and an appropriate program/placement for each. To ensure timely implementation, the Board of Education of the City of New York was ordered to provide detailed plans for a comprehensive evaluation program and implementation of a full continuum of services for all handicapped children living in New York City. Included was the completion of a census of all handicapped children under age twenty-one by April 15, 1981.

Implications:

The specific evaluation procedures and the continuum of services described and mandated by the Court Order form a basis from which to assess the provision of a free appropriate education in the least restrictive environment and compliance with due process procedures.

DIPLOMAS – COMPETENCY TESTS

The Board of Education of the Northport – East Northport Union Free School District v. Ambach, (1981)

Handicapped students must satisfy the requirements of 8NYCRR 103.2 in order to be awarded a diploma. However, State Supreme Court Justice Robert C. Williams ruled that two handicapped students' constitutional rights to due process under the 14th Amendment were violated because they had not been given adequate notice that they would be required to pass a basic competency test to get a diploma. The diplomas granted were determined to be valid although the pupils had only completed their individualized education programs, but had not passed the competency tests.

Upon appeal by New York State, the decision was overturned, reemphasizing the necessity for handicapped pupils to achieve the minimum competencies established by New York State (Carnegie Units, Competency Tests).

Implications:

The IEP of a handicapped child should indicate whether the pupil plans to earn a high school diploma by passing the competency tests (with the use of any alternative testing techniques documented) or whether the pupil is functionally mentally retarded and is working toward the completion of the IEP to earn a local certificate.

RELATED SERVICES

Rowley v. Hendrick Hudson School District (1979)

At issue in this case, brought on behalf of a deaf child by her parents, is whether the refusal to provide the child with a sign language interpreter in the classroom deprived her of the appropriate education required by law. The impartial hearing officer who originally heard the case ordered that the interpreter requested by the parents for Amy was not necessary for her to benefit from the educational program being provided by the school district.

Upon appeal to the Commissioner, the decision of the hearing officer was upheld. Further appeal was made by the parents to the U.S. District Court, which decided that the interpreter was necessary for Amy to have an equal opportunity to achieve academically in relation to her peers.

The Hendrick Hudson School District appealed the decision of the U.S. District Court judge to the Second Circuit Court of Appeals. The judge for the Second Circuit Court of Appeals was in basic agreement with the District Court judge, however, he stated that the judge based his decision on erroneous principles. First, P.L. 94-142 does not mention interpreters as a related service; second, the term "appropriate" in the provision of P.L. 94-142 calling for free *appropriate* public education for all handicapped children has never been defined.

Following this action, a brief was submitted by the Commissioner with the National School Boards Association as an Amici Curiae. This brief reviewed the various services that the district was providing Amy which included:

- a mainstreamed placement
- one hour/day resource room services by a teacher of the deaf
- three times/week speech therapy services
- sign language training for all of Amy's teachers
- FM system
- telephone/typewriter unit in the principal's office for contact with deaf parents at home.

The Supreme Court heard the case which was the first time P.L. 94-142 was reviewed at this level. In a 6-3 decision, the highest court found in favor of the school district. This decision was limited to Amy Rowley and was not determined to be a class action suit. Furthermore, the Federal Court ruled that each deaf child's need for an interpreter should be determined on an individual basis.

Implications:

The Rowley case in no way diminishes the responsibility of local school districts and agencies serving handicapped children, under Article 89 of New York State Education Law and the Part 200 of Commissioner's Regulations, to provide appropriate services to handicapped pupils in the State.

Tatro u. Irving Independent School District

At issue in this case, brought on behalf of a child having spina bifida but normal intelligence, is whether clean intermittent catheterization (CIC) qualifies as a related service under P.L. 94-142. After unsuccessfully pursuing administrative remedies to receive CIC services from the Irving School District, the parents brought action in Federal District Court to require the school district to provide the services. Also, the parents sought damages and attorney fees. They invoked P.L. 94-142, since Texas received funding under this statute, and 504 of the Rehabilitation Act of 1973, since it prevents denial of participation or discrimination on the basis of a handicapping condition. The District Court concluded that CIC was *not* a related service under P.L. 94-142 because it did not serve a need arising from the effort to educate.

The case went to the Court of Appeals which eventually, after remanding the case back to the District Court to develop a factual record, reversed the lower court's decision. The Court stated that CIC was a related service because without the procedure the child could not attend classes and benefit from special education. Also, the district's refusal to provide CIC effectively excluded the child from a federally funded educational program in violation of Section 504. The school district claimed that P.L. 94-142 allowed "medical services" as related services only when they are for the purpose of diagnosis or evaluation and CIC didn't qualify as such. However, the court ruled that CIC can be administered by a school nurse or other qualified personnel and, therefore, was not "medical." In addition, Section 504 allows prevailing parties to recover attorney fees; this was so ordered.

The case was appealed to the United States Supreme Court. The Supreme Court held that the Court of Appeals was correct in finding CIC as a supportive service (one type of service mentioned in P.L. 94-142 as a related service). The court viewed CIC as similar to other services, such as transportation, that may be necessary in order for a child to benefit from special education. Further, CIC was viewed as a non-medical service and, therefore, not beyond the scope of 94-142. The judge's decision cited *Blum u. Bacon*, 1982, where related services were determined to include "school health services," and "medical services" were defined "as those provided by a licensed physician." Lastly, citing *Smith u. Robinson*, 1984, the court ruled that Section 504 is "inapplicable when relief is available under P.L. 94-142 to remedy the denial of educational services." Therefore, the parents were not entitled to recover attorney's fees.

Implications:

Catheterization is a related service in the opinion of the Supreme Court and, if such service is required by a handicapped child to benefit from education, it must be provided. The Court's decision opens the way for a broader reading of the related services requirement and restricted the types of services which could be withheld from students as medical services. Moreover, the decision leaves no doubt that the Court views the EHA as a strong mandate that all handicapped youngsters be given meaningful access to public education.

DUE PROCESS

Smith u. Robinson (1984)

Thomas Smith III has cerebral palsy and is considered to be a handicapped student. His parents appealed a superintendent's decision to no longer fund a special education program to the School Committee and then through State administrative process. In addition, the parents asserted claims for declaratory and injunctive relief based on P.L. 94-142, and Section 504. The District Court held that the student was entitled to a free appropriate special education paid for by the school district. The Court awarded attorney's fees against the school district. The petitioners (parents) then requested attorney's fees against the State defendants. The District Court held that the petitioners were entitled to such fees for the hours spent in the state administrative process both before and after the date the state defendants were named as parties.

The Circuit Court of Appeals reversed this decision, holding that, since the action and relief granted fell within reach of P.L. 94-142, which establishes a comprehensive federal-state scheme for the provision of special education to handicapped children, but *does not* provide for attorney's fees, none should be recoverable. Relief is only in the form of provision of appropriate program. The Appellate Court held that Congress, when passing P.L. 94-142, could not have intended the omission of attorney's fees relief to be rectified by recourse to Section 504. The court also said the petitioners weren't entitled to financial relief under Section 504 because Congress struck a careful balance between clarifying and making enforceable the rights of handicapped children to a free appropriate public education and endeavoring to relieve the financial burden imposed on the agencies responsible to guarantee those rights. It could not have intended a handicapped child to upset that balance by relying on Section 504 for otherwise unavailable damages for an award of attorney's fees. Whatever remedy might be provided under Section 504 (which prevents discrimination on the basis of a handicap in any program receiving federal financial assistance) is provided with more *clarity and precision* under P.L. 94-142 and, therefore, a plain-

tiff may not circumvent or enlarge on the remedies available under P.L. 94-142 by resort to Section 504.

The Supreme Court ruled on the case in a similar manner to the Circuit Court of Appeals, with three judges writing a dissenting opinion. The majority opinion was that Section 504 and P.L. 94-142 are different substantive statutes. While P.L. 94-142 guarantees a right to a free appropriate public education, Section 504 simply prevents discrimination on the basis of a handicap. But while P.L. 94-142 is limited to handicapped children seeking access to public education, Section 504 protects handicapped persons of all ages from discrimination in a variety of programs and activities receiving federal financial assistance. Therefore, P.L. 94-142 is the relevant statute and provides no mechanism for recovery of fees. The Court said that Congress did not explain the absence of a provision for a damages remedy and attorney's fees in P.L. 94-142. Several references in the statute itself and in its legislative history, however, indicate that the omissions were in response to Congress' awareness of the financial burden already imposed on the States by the responsibility of providing education for handicapped children.

Implications:

As of the Supreme Court decision, P.L. 94-142 becomes the relevant statute and Section 504 does not apply in cases of disagreement between school districts and parents. Attorney's fees were not deemed as recoverable costs in this decision.

RATE SETTING

Andrew H. u. Ambach (1984)
United States District Court

The action arose out of a challenge to the rate setting methodology used to establish tuition rates for approved private schools that provide services to pupils with handicapping conditions who are unable to be placed in public school programs under the Education of the Handicapped Act (20 U.S.C. Sec. 1401-1461) and Article 89 of the new York State Education Law (NY Educ. Law Sec. 4401-4409). The decision, based on several recent Second Circuit Court decisions and Supreme Court decisions, found that:

- It was inappropriate to overturn New York's tuition reimbursement procedure on the basis of the EHA's mandate of a free appropriate public education. The students among the plaintiffs were found to have sued prematurely and the Court noted a Supreme Court decision limiting students to the the procedures under EHA.
- The organizations of private schools which joined in the lawsuit, lacked the legal standing to sue. The court further noted that nothing in the EHA or Rehabilitation Act grants to such organizations a private right of action and that the organizations derive no rights or privileges from the Federal statutes.
- With respect to the three individual private schools among the plaintiffs, no due process violations existed and they were not deprived of any constitutional or statutory rights.

Implications:

The broad language of the court's decision sustains the legitimacy of the rate setting methodology used by the New York State Education Department to establish tuition rates for approved private schools for pupils with handicapping conditions. The rate setting methodology was found to not be in conflict with EHA's mandate of a free appropriate public education.

THE SCHOOL SYSTEM IN NEW YORK STATE

Children with handicapping conditions who are eligible to attend school in New York State, in most cases, are educated in the State's system of public and nonpublic schools.

Through the IEP process, local school districts are responsible for the identification of the handicapped child's educational needs and for providing the special education programs and related services necessary to meet those needs. In keeping with the concept of education in the least restrictive environment, these programs and services are, when appropriate, provided within district schools by district personnel. However, when a local school district determines that it is unable to provide the appropriate programs and/or services needed to meet the handicapped child's educational needs, it must enter into cooperative agreements with other agencies.

Below is a brief description of New York's public and nonpublic school system.

LOCAL PUBLIC SCHOOL DISTRICTS

A public school district is a geographical area which includes elementary, middle and high schools. It is the unit which provides a public education, kindergarten through grade twelve, to citizens living within the district. There are 735 school districts in New York State.

BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)

While each school district has its own board of education and superintendent, they are grouped regionally by supervisory districts. Each supervisory district has a district superintendent who serves as a Chief Executive Officer of the Board of Cooperative Educational Services (BOCES) of that region. The district superintendents have certain responsibilities as State Education Department officials in addition to their responsibility for management of the BOCES.

New York's BOCES were originally founded to offer services which could better be provided by groups of school districts. Each BOCES serves a number of school districts, and provides programs for children with handicapping conditions who cannot be served by a local school district. The local school district determines whether to contract with BOCES to provides such services, which are reviewed and approved each year by the State Education Department as cooperative service agreements.

To serve children with handicapping conditions, each school district has a Committee on Special Education. This Committee keeps a register of handicapped children within the district, recommends a placement for such children in the program appropriate to their needs, and evaluates the progress of such children. Local school districts may enter into contracts with neighboring districts, the BOCES or with any one of a variety of private agencies serving their region to fulfill their obligation for the education of handicapped children.

SPECIAL ACT SCHOOL DISTRICTS

Special act schools are districts created by special action of the State legislature for the purpose of receiving State aide. These schools are located on the grounds of privately administered institutions for the care of children. While the institutions are under the supervision of the Department of Social Services or the Department of Health, the Special Act schools are governed by an appointed board of education and administered by a superintendent of schools under the auspices of the sole supervisory district within which the institution is located. The 16 such school districts in the State are listed in Chapter 566 of the Laws of 1967 as amended by Chapter 563 of the Laws of 1980.

NONPUBLIC SCHOOLS

While many children in New York State are enrolled in public schools, some parents choose to send their children to nonpublic schools. These include:

- schools run by private groups, many of which are affiliated with religious organizations. Some of these schools have their own programs for children with handicapping conditions; others send their children to public schools for such services.
- special private schools for children with handicapping conditions.

A public school district is responsible for providing special education and related services to meet the needs of private school children in its jurisdiction if the parents request such services in writing from the district's Board of Education and if the services are also available to those enrolled in the public schools of the district. (Appendix A: Ed. L.3602)

New York State assures compliance with the Education Division General Administrative Regulations (EDGAR) which govern the conditions under which special education programs and services are provided to children enrolled in private schools. (Appendix C: EDGAR)

The law defines these services as "instruction in. . .occupational and vocational education and education for students with handicapping conditions, and counseling, psychological and social work services related to such instruction. . ."

All children with handicapping conditions who are voluntarily enrolled in private schools, and who are to receive services from the local school district or other public agency, must be evaluated by the public school district's Committee on Special Education when referred. The development, implementation, review and revision of an IEP under these circumstances is initiated and conducted by the public agency committee according to the same procedures used for pupils enrolled in the public schools, including the meetings to develop and review Phase I and Phase II of the IEP. (See page 55 for details.) The completion of the IEP includes an invitation of representatives of the private school, so as to ensure their participation in its development; a private school can change an IEP at the public district's discretion, provided that the parents and the public district agree to the change before it is carried out. The public school district and the State Education Department, through its monitoring procedures, are responsible for ensuring compliance with these rules.

Boards of Education can contract with Boards of Cooperative Educational Services (BOCES), to provide the services listed above to private school children, and transport these children to public schools if the distance to the private school is more than a quarter of a mile. Section 3602-c of the Education Law also states that nonpublic school students who receive services in the public school, cannot receive services separately from pupils who regularly attend the public school.

By New York law (Section 3602-c of the Education Law), the parents' written request must be filed on or before the first day of June preceding the school year for which the request is made. If the school district's Board of Education refuses the request, the parents can appeal the decision to the Commissioner of Education.

APPROVED PRIVATE SCHOOLS FOR THE PROVISION OF PUBLIC EDUCATION FOR CERTAIN HANDICAPPED CHILDREN

During the 1985-86 school year, there were 171 private schools and 35 out- of-state schools which the State approved for purposes of providing appropriate special eduction programs to handicapped children for whom public school programs were found not to be appropriate. The standards for approval of private schools for this purpose are specified in Section 200.7 of the Commissioner's Regulations. Approved schools are listed in Appendix C. These are special day or residential schools with which local public schools contract for needed special services. (Appendix A: Ed. L.4402; Appendix B: CR 200.6(h); CR 200.7; Appendix C: NYS Approved Private Schools. . .).

The placement of public school children in private schools for purposes of providing a free appropriate public education is subject to approval by the Commissioner of Education, based upon Phase I of the IEP developed by the public school and satisfactory evidence that no appropriate public school program is available. Placements in approved private schools which are made by application of a local Board of Education and approved by the Commissioner of Education are at no cost to the child's parent. In each case, the consent of the parent for the provision of a public education in a private school setting is required. In the event that there are disagreements regarding placement in a private school for purposes of a free appropriate public education, the due process procedures specified in Section 200.5 of the State regulations may be used to resolve the issue. (Appendix B: CR 200.5; CR 200.7) A pupil placed in a private school retains all the rights available to handicapped pupils served in the public school. The continuing participation of the private school representative in the IEP process is assured by the required completion of Phase II by

the private school official and his or her participation in subsequent reviews conducted by the responsible public school. (Appendix B: CR 200.4; CR 200.7) Also, after it is determined that a particular private school placement may be appropriate, representatives of the private school to be recommended for placement are invited to participate in the development of Phase I of the IEP.

While meetings to review and recommend revision of the IEP may be conducted by the private school, the actual review and revision of the IEP must be conducted by the public school district. In this way, the public school district and the State retain responsibility for the development, review and revision of the IEP for children referred to or placed in a private school by the public school.

In some instances, parents may choose to enroll their children in these private schools, even though there may be an appropriate public school program available. In these cases, parents assume the cost of the private instruction unless the local school district otherwise agrees that certain special services are to be provided.

STATE-SUPPORTED SCHOOLS

These privately administered schools receive State money for serving children with severe hearing, visual and physical handicaps. The following list of such schools is contained within Section 4201 of the Education Law.

- The New York School for the Deaf
- The Lexington School for the Deaf
- St. Mary's School for the Deaf (Buffalo)
- The New York State School for the Deaf in Rome (State-Operated)
- St. Joseph's School for the Deaf (New York)
- Rochester School for the Deaf (Rochester)
- The New York State School for the Blind in Batavia (State-Operated)
- New York Institute for Education of the Blind (New York)
- Lavelle School for the Blind (New York)
- Mill Neck Manor School for the Deaf (Nassau County)
- St. Francis de Sales School for the Deaf (Brooklyn)
- Cleary Deaf Child Center, Inc. (Suffolk County) and
- The Human Resources School (Albertson, Long Island)

STATE-OPERATED SCHOOLS AND SCHOOLS IN OTHER STATE AGENCIES

New York State Education Department is responsible for overseeing the provision of educational services to all handicapped children who are residents of the State regardless of where they are receiving instruction. This includes those children whose needs are so severe that placement in a program providing twenty-four hour a day care is necessary. Several State departments/agencies are responsible for operating schools for such specific populations of youth.

STATE EDUCATION DEPARTMENT (SED)

The following schools operated by the State Education Department are also listed in Section 4201 of Education Law.

- The State School for the Deaf at Rome is a five-day residential school for deaf children whose sensory loss requires the use of special methods and a specialized language curriculum.
- The State School for the Blind at Batavia is a five or seven day residential school serving blind, and blind multiply handicapped children.

OFFICE OF MENTAL HEALTH (OMH)

Operates 31 psychiatric centers across the State. All centers provide 24 hour a day residential programs and educational services. All children are referred and evaluated through facility committees which function similarly to Committees on Special Education. A total of 1204 children are served in three types of facilities:

- Children's Psychiatric Centers (ages 0-12)
- Children and Youth Services (ages 13-17)
- Adult psychiatric Centers (ages 17-21 ⅔)

OMH also licenses Residential Treatment Facilities (RTF) that provide treatment and special education services to severely emotionally disabled youth.

DIVISION FOR YOUTH (DFY)

Operates approximately 36 facilities for youth adjudicated through the penal system and placed through

Family Court. Many facilities operate educational programs. Students with suspected handicapping conditions are referred to regional and facility Committees on Special Education for evaluation and review. Additionally, DFY licenses 120 short-term detention centers for children awaiting a court sentence.

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES (OMRDD)

Provides residential and educational programs to 1600 youth (0-21 years of age) in 20 Developmental Centers. Educational programs and services are provided following a review and recommendation by each developmental centers' Committee on Special Education. OMRDD also operates and/or licenses community residences, Intermediate Care Facilities, and group homes for approximately 1300 children. In most cases, children participating in those programs receive educational services through the public school district of residence.

DEPARTMENT OF CORRECTIONAL SERVICES

The Department of Correctional Services oversees 45 State correctional facilities. Types of programs available to youth 16-21 years of age who are placed in these facilities include Adult Basic Education, General Equivalency Diploma, Vocational Rehabilitation, Bilingual Education, Higher Education and special education services. Centralized CSE services are being developed to provide evaluative and program recommendations for special educational services for all eligible incoming inmates.

SCHOOLING FOR CHILDREN PLACED IN HOSPITALS OR OTHER INSTITUTIONS, OTHER THAN SCHOOLS

Some youth reside in hospitals or other institutions for the care, custody or treatment of children, other than schools. For example, some children may, for purposes of health care, be placed in hospitals or treatment centers which do not provide schooling. The responsibility for providing educational programs for such children rests with the local public school districts in which the children resided at the time of placement in such institutions. (Appendix A: Ed. L.3202(7)).

ACCESS TO STATE STANDARDS

The State assures, through its policies for regulatory development and revision, that all schooling agencies, public or private, have the opportunity to participate in the development and revision of standards relating to special education. These State procedures also insure that schooling agencies are informed about State standards and revisions as they occur. Further assurance is the inclusion of all approved schooling agencies on the State Education Department's mailing lists used for the routine distribution of information by the Department. In addition, such standards are addressed through a formal system of communication with state departments or agencies directly or indirectly responsible for the provision of educational services.

THE STATE EDUCATION DEPARTMENT OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

THE NEW YORK STATE EDUCATION DEPARTMENT

Within New York State, the Board of Regents oversees the quality of services and standards for all professions. The Commissioner of Education is directly responsible to the Regents for the education of all children within the State and, as the President of the State University System, the programs provided through institutions of higher education. (Appendix A: Ed. L.101, Ed. L.207).

RESPONSIBILITY OF THE STATE EDUCATION DEPARTMENT FOR ALL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN

Article 89 of the State Education Law states "the State Education Department shall have power and it shall be its duty:

1. To maintain a statistical summary of the number of handicapped children who reside within the state and the nature of their handicaps and to use all means and measures necessary to adequately meet the physical and educational needs of such children, as provided by law.
2. To stimulate all private and public efforts designed to relieve, care for or educate handicapped children and to coordinate such efforts with the work and function of governmental agencies.
3. To formulate such rules and regulations pertaining to the physical and educational needs of such children as the commissioner of education shall deem to be in their best interests.
4. To periodically inspect, report on the adequacy of and make recommendations concerning instructional programs for all handicapped children who reside in or attend any state operated or state financed social service facilities, youth facilities, health facilities, mental health facilities or state correctional facilities.
5. To require such financial information as may be necessary from and to audit any public or nonpublic school receiving any public moneys pursuant to any provision of the education law as the commissioner deems appropriate.
6. To provide for an advisory panel, appointed by the commissioner, composed of individuals involved in or concerned with the education of handicapped children, including at least five handicapped individuals, at least five teachers of handicapped children, at least five parents or guardians of handicapped children, at least five state and local educational officials, and at least five representatives of state associations concerned with the education of handicapped children, to advise the governor, legislature and commissioner of unmet needs within the state in the education of handicapped children and to comment publicly on any rules or regulations proposed for issuance by the commissioner regarding the education of handicapped children and the procedures for distribution of funds under this article. Such panel members shall serve without compensation except that such members shall be entitled to reimbursement for actual and necessary expenses incurred in such service.
7. To define, no later than July first, nineteen hundred seventy-seven, in a report to the legislature and the governor, specific criteria for determining whether a particular disorder or condition may be considered a specific learning disability and to describe in such report diagnostic procedures which can be used in determining whether a particular child has such a disorder or condition, and to recommend in such report, in consultation with the division of the budget, a cost effective program proposal and finance recommendations.
8. To develop and distribute a handbook for parents of handicapped children and the members of committees and subcommittees on special education, which handbook shall explain, in layman terms, the financial and educational obligations of the state, the county or city, the home school district, the committee on special education, and the parent or legal guardian of a handicapped child, the special services or programs available pursuant to this article, and the legal procedures available to an aggrieved parent or legal guardian of a handicapped child.

9. To make provision by regulation of the commissioner to assure the confidentiality of any personally identifiable data, information, and records collected or maintained by the state department of education or any school district, including a committee or subcommittee on special education, and the officers, employees or members thereof, pursuant to or in furtherance of the purposes of this article, and shall establish procedures upon which any such personally identifiable data, information or records may be disclosed." (Appendix A: Ed. L. 4403)

Article 89 and other provisions in the State law and regulation establish the State Education Department's responsibilities for all educational programs in the State. (Appendix A: Ed. L.101, Ed. L.112, Ed. L.207, Ed. L.3202(5)(b), Ed. L.4403. Appendix B: CR 116; CR 200).

OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

To achieve the goals set for the education of children with handicapping conditions, the New York State Education Department established the Office for Education of Children with Handicapping Conditions (OECHC). The Office, under the direction of an Assistant Commissioner, operates with four divisions: Program Development, Program Monitoring, Interagency Cooperation and Support Services, and State-Operated Schools. Each division has major functions related to the continuing goals for educating New York's handicapped children.

OFFICE OF THE ASSISTANT COMMISSIONER OF OECHC

The purpose of the Office of the Assistant Commissioner is to provide leadership to the internal management staff in carrying out the functions of the State Education Department which deal with the education of handicapped children. Through the coordinated efforts of its four divisions, it supervises the implementation of Laws, Rules of the Board of Regents, Regulations of the Commissioner of Education, and Department policies. The Office is responsible for the direction and coordination of the Department's Federal and State programs for improving the quality of educational offerings to handicapped children in public and nonpublic schools. It serves as a liaison to the State's legislature, major offices within the Department and other State agencies involved in educating handicapped children.

DIVISION OF PROGRAM DEVELOPMENT

The primary focus of the Division of Program Development is to provide training, information, and technical assistance and to administer Federal and State funded programs. These support services are provided directly by the Division's staff and indirectly through the coordination of the State's training and information dissemination networks commonly known as SETRC, Special Education Training and Resource Centers, and ECDC, Early Childhood Direction Centers.

The Division staff is also responsible for the development and proposal of legislation, regulations and guidelines affecting special education programs and services to pupils with handicapping conditions being educated in public, nonpublic and agency programs throughout the State.

DIVISION OF PROGRAM MONITORING

The Division of Program Monitoring has as its major purpose monitoring programs for compliance with Federal and State laws and regulations regarding the education of handicapped children by school districts, Boards of Cooperative Educational Services, private day and residential schools, State-supported and State-operated schools for the deaf, blind and severely physically handicapped and the educational programs operated by other State agencies for the individuals in their care between the ages of 5-21. Monitoring efforts involve on-site evaluations of programs, review of Federal grant proposals, STAC-1 forms and CoSer applications and responses to inquiries from the field. In the eight years since the inception of regional offices, all of these programs have been visited and, in most cases, more than once.

An additional task of the Division is to provide technical assistance to school programs throughout the State to improve the effectiveness of the education being provided to pupils with handicapping conditions. Such technical assistance may take a variety of forms, including comments on professional concerns within the context of monitoring reports, meetings with administrators to discuss and clarify issues of concern within limited time and staff, actual on-site work with administrators and staff to improve the delivery of instruction and/or behavior management techniques within the programs.

DIVISION OF INTERAGENCY COOPERATION AND SUPPORT SERVICES

The Division's Interagency Unit has the major responsibility for establishing and maintaining cooperative agreements for the delivery of special education and related services by offices within the Department and other State agencies. In meeting its responsibility toward interagency cooperation, the staff will be involved in the development of interagency agreements which establish appropriate standards for the delivery of educational services for youth under the responsibility of State departments, agencies or their political subdivision. Activities will include training sessions for personnel of facilities operated by the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and the Department of Correctional Services. The focus of this training will be on the laws, regulations and policies governing the provision of special education.

Fiscal responsibilities of the Division include budget reviews for all 4201 schools, reimbursement rate setting for in-state and out-of-state private schools for children with handicapping conditions and administration of Federal funding programs under P.L. 89-313 and Education For All Handicapped Children Act, Part B.

DIVISION OF STATE-OPERATED SCHOOLS

The Division of State-Operated Schools is responsible for the coordination of special education programs and services provided directly by the State Education Department to children enrolled in the State-operated schools for the deaf and the blind. These schools are addressed in Education Law, Articles 85, 87 and 88. Placement in a district setting would be inappropriate for these children due to their highly intensive needs.

The New York State School for the Blind, located in Batavia, New York, serves legally blind children who may also be multiply handicapped and who are between the ages of five and twenty-one. A full range of educational services is available, including occupational therapy, physical therapy, speech therapy and psychological services.

The State's School for the Deaf is located in Rome, New York. This school educates students between the ages of three and twenty-one years who are profoundly deaf, having a hearing loss in excess of 80 db ISO in the better ear. There is a range of services provided, including speech therapy and psychological services. The majority of the educational programs offered are adapted to compensate for the child's hearing loss.

Children eligible to attend the State-operated schools are referred directly by their parents or guardians to the Commissioner of Education, thereby insuring parental participation in all stages of determining pupil eligibility and development of appropriate IEPs. It is the Commissioner who makes the formal appointment of the child to the school.

THE EDUCATION COMMISSIONER'S ADVISORY PANEL FOR THE EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

As required by Article 89 of the State's Education Law and P.L. 94-142, the Education for All Handicapped Children Act, the Commissioner's Advisory Panel for the Education of Handicapped Children continues to meet periodically and comment on unmet needs of handicapped children throughout the State. (Appendix A: Ed. L.4403).

The Commissioner's Advisory Panel is a twenty-five member group which serves to advise the Office for Education of Children with Handicapping Conditions on the unmet needs of handicapped children in the State. New York's Panel consists of five persons with handicapping conditions, five teachers of the handicapped, five parents, five State or local education officials and five representatives of State associations concerned with children with handicapping conditions.

The Panel is charged with:

- advising the commissioner, legislature and governor of the unmet needs within the State on the education of children with handicapping conditions,
- commenting publicly on any rules or regulations proposed by the Commissioner regarding the education of children with handicapping conditions, and
- commenting publicly on the procedures for the distribution of funds under Chapter 853, Section 4403.

To accomplish these tasks, a series of six meetings are conducted each year. During the timeframe of the last State Plan, the Advisory Panel focused upon:

- unmet needs of children with limited English proficiency who have handicapping conditions,
- non-discriminatory testing for children with handicapping conditions,
- post-secondary educational and occupational opportunities for children with handicapping conditions,

- **review of Part 200 of the Regulations of the Commissioner, and**
- **linkages with the Office of Vocational Rehabilitation and the Office for Occupational and Continuing Education.**

During the next three years of this Plan, the Panel will continue its interest in the above areas and will also focus upon:

- early childhood legislation
- provision of related services in New York State
- development and implementation of this State Plan
- other areas of special interest listed in pages 18 through 33 of this plan.

EDUCATION COMMISSIONER'S ADVISORY PANEL FOR THE EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

Representatives of Statewide Organizations Concerned with Handicapped Individuals	Susan Gray	Bath, NY
	Ira Jacobs	Commack, NY
	Shirley Reynolds	Albany, NY
	Edward Sermier	Brooklyn, NY
	Thomas Scholl	Liverpool, NY
Persons with Handicapping Conditions	Trisha Flaccus	Ithaca, NY
	Margaret Hlibok	Flushing, NY
	Ellen Rubin	New York, NY
	Emily Strauss-Watson	New York, NY
Parents of Handicapped Children	Beatrice Ferguson	Jamaica, NY
	Majorie Goldberg	Seaford, NY
	Juventino Mejia	Eden, NY
	Mary Ellen Murphy	West Seneca, NY
	Arlene Penfield	Rouses Point

EDUCATION COMMISSIONER'S PANEL
(continued)

State or Local Education Officials	Roberta Gould	Sea Cliff, NY
	Patricia Lynch	Brooklyn, NY
	Ann Myers	Castleton, NY
	Alexander Tureaud	White Plains, NY
Teachers of Handicapped Children	Shirley Cohen	New York, NY
	Thomas Cordy	Peru, NY
	Frances Eck	New Hartford, NY
	Howard Gollub	New York, NY
	Daniel Hittleman	Dix Hills, NY
Ad Hoc Representatives of State Agencies	Caren Craine	Albany, NY
	Charlene La Reau	Albany, NY

THE NEW YORK STATE PLAN FOR THE EDUCATION OF ALL HANDICAPPED CHILDREN, 1987–1989

This section provides a detailed description of how New York State will meet its responsibilities for educating children with handicapping conditions. It reports the State's accomplishments over the past three-year period, indicates continuing needs to be addressed and outlines the plan for meeting the goals held by New York State for handicapped children.

The plan is organized according to the approaches stated in the overview of this document – MONITORING, TRAINING, TECHNICAL ASSISTANCE, INFORMATION DISSEMINATION, DIRECT SERVICES and FUNDING. An expanded description is provided of each approach and how it relates to the daily operation of OECHC. Following the description is a set of charts labeled STATUS REPORT ON FY 1984-1986. These charts outline the State's accomplishments over the past three years. The first column lists the objectives that directed the Office's activities. The column titled GOAL AREA indicates the goal to which the objective is related. The goals have been coded as follows:

A– that the public school system LOCATE AND IDENTIFY all handicapped children who are eligible for a free public education in New York State;

B– that children with handicapping conditions who enter the public school system are provided appropriate INDIVIDUALIZED EDUCATIONAL PROGRAMS AND SERVICES which are necessary for them to achieve the basic competency requirements of public education;

C– that children with handicapping conditions are provided a FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE EDUCATIONAL ENVIRONMENT;

D– that expanded and improved special education programs and related support services are cooperatively provided by a variety of appropriate agencies to SPECIAL GROUPS of handicapped children.

Column three identifies the Division(s) responsible for completing the objective. The four Divisions of OECHC have been coded as follows:

DPD – Division of Program Development
DPM – Division of Program Monitoring
DICSS – Division of Interagency Cooperation and Support Services
DSOS – Division of State Operated Schools

The accomplishments for each objective over the past three-year period is reported in the last column of the chart.

Following the status report is a statement of continuing needs as they relate to each approach. These needs, the status of OECHC's previous objectives, areas of special interest and other matters of public interest led to the development of the New York State Plan 1987-1989.

The Plan which describes OECHC's activities for the next three-year period follows the statement of continuing needs for each approach. It is presented on the charts titled SERVING CHILDREN WITH HANDICAPPING CONDITIONS FISCAL YEAR 1987-1989. The last column of these charts has been divided into two sections. The first is a description of what New York State expects to achieve by June 1987. The second indicates the expected results at the end of the three-year period of the Plan.

The objectives and activities outlined in this Plan are those listed in the annual operating budget of the Office for Education of Children with Handicapping Conditions and are subject to periodic modifications and amendments during each year of the Plan in accordance with State and Federal Education Department rules, regulations and policy.

BY MONITORING

Each school district or public agency operating a school is required by law to have a Committee on Special Education. In addition to the committee responsibility for developing and evaluating annually the IEPs for each handicapped pupil, (Appendix A: Ed. L. 4402(1)(b)(2)), it must also provide for periodic evaluations of the ade-

quacy of the agency's programs, services and facilities for handicapped children. The committee must report at least annually to the school officials on the status of programs, services and facilities made available by the district in accordance with subdivision ten of Section 3602 of the Education Law. Such reports shall be kept on file for inspection by the Commissioner. (Appendix A: Ed. L.4402(1)(b)(3); Ed. L.3602(10).

In the State's effort to ensure appropriate educational programs for children with handicapping conditions, the OECHC staff conducts reviews of New York State's 735 school districts, 43 BOCES, 206 approved private schools (35 of which are located out-of-state) and all educational programs for "children in care" in facilities operated or supervised by any State department or agency. The Division of Program Monitoring has the main responsibility for monitoring schools' compliance with Federal and State law and regulations. This division maintains a staff of Regional Associates from five regional offices to visit and review programs and services for handicapped children. The map following this discussion shows how the State has been divided for monitoring purposes. All schools are reviewed and evaluated at least once every three years. Appendix C of this plan contains the Program Review Guide which is used by monitoring staff to conduct these reviews for purposes of identifying areas of compliance or non-compliance with State and Federal law and regulation. More frequent visits are scheduled in those areas where compliance issues are in the process of resolution. On-site program reviews involve several activities, such as:

- interviewing administrators, instructional and residential staff and related service providers,
- reviewing clinical and education reports, individualized education programs and CSE minutes,
- observing classroom instruction and the provision of related services,
- reviewing the effectiveness of school agency procedures related to the identification, evaluation and placement of handicapped children,
- examining district plans, staff certification, class lists, and teachers' schedules, and
- examining district forms used in the referral, evaluation and placement process for children with handicapping conditions.

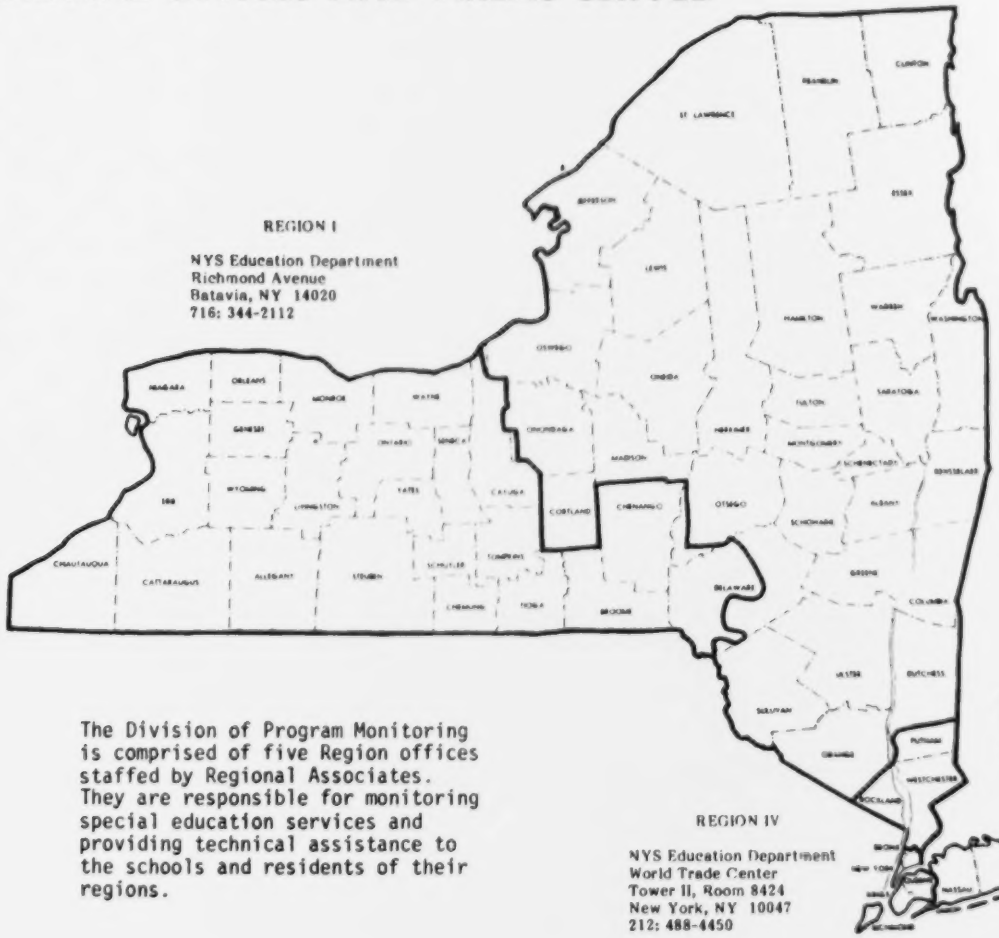
Following the review, a comprehensive narrative report is developed which indicates strengths and timelines for correcting problems or deficiencies. Districts must present evidence that identified deficiencies are corrected or that satisfactory progress toward correction is being made within imposed timelines. If a school district or agency fails to make satisfactory progress in correcting deficiencies, Federal and State funds will be withheld from the district.

Copies of site-visit reports, which are public documents, may be obtained by contacting the Regional Office of the region in which the school district is located or the Office for Education of Children with Handicapping Conditions, Room 1073 EBA, New York State Education Department, Albany, NY 12234.

As part of the monitoring effort, the staff also reviews Federal grant proposals, STAC-1 and Cooperative Service Agreements (Co-ser) forms. STAC-1 forms are used to obtain the Commissioner's permission to educate children in approved private schools, State-operated or State-supported schools. The form is also used to request permission to transport children more than 50 miles to school. Co-sers are agreements between a local district and a BOCES which is part of the process of planning BOCES services for children. The form contains projections of the number of handicapped children to be served by BOCES, and expected costs.

Monitoring activities also include the resolution of telephone or written complaints regarding the actions of private schools or local education agencies in educating handicapped children. Federal regulations allow individuals or organizations to file written, signed complaints with New York State which must contain a statement that the State or subgrantee has violated a requirement of Federal law or regulations that apply to a program and the facts on which the statement is based. The identity of the party filing the complaint remains confidential unless the complaint is so child-specific that it is impossible to do so. The Regional Associates are responsible for investigating the complaint and ensuring that the school or agency complies with Federal and State laws and regulations governing the education of handicapped children. All complaints must be resolved within sixty calendar days. OECHC may extend the sixty-day time limit for complaint resolution only if exceptional circumstances exist with respect to a particular complaint. Federal regulations give persons the right to request the U.S. Commissioner of Education to review the final decision of the State. (Appendix C: Complaints Procedures)

OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS
REGIONAL OFFICES AND AREAS SERVED



REGION I

NYS Education Department
Richmond Avenue
Batavia, NY 14020
716: 344-2112

REGION III

NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, NY 12230
518: 474-5356

REGION VI

NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010

REGION IV

NYS Education Department
World Trade Center
Tower II, Room 8424
New York, NY 10047
212: 488-4450

REGION V

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
516: 997-8700

The Division of Program Monitoring is comprised of five Region offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.

STATUS REPORT ON FY 1984-1986

APPROACH: Monitoring

OBJECTIVES		GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
1.1	To conduct site visit reviews of local school districts, private schools and BOCES.	A - D	DPM	1,500 site visits made to review programs and provide technical assistance.
1.2	To review projects of local school districts operated by Federal grants under EHA and 89-313 funds.	C, D	DPM	1,070 projects funded by P.L. 94-142 and 730 projects funded by P.L. 89-313 were reviewed.
1.3	To review progress reports from 4201 deaf infant programs.	A - D	DICSS	19 program reviews conducted.
1.4	To maintain a register of all deaf infants in 4201 programs.	A, D	DICSS	A current register of all deaf infants, ages 0-3 years who are enrolled in 4201 schools will be on file.
1.5	To conduct the program budget review process for the 4201 schools in cooperation with the Bureau of Fiscal Management.	A, D	DICSS	Budget reviews were accomplished in all deaf infant programs.
1.6	To review PHC-2 forms submitted by local education agencies.	C, D	DPM	PHC-2 forms were replaced by the computerized STAC System. 4,500 STAC-1 forms reviewed.

STATUS REPORT ON FY 1984-1986

APPROACH: Monitoring

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
1.7 To review educational programs in agencies, child care institutions and private residential schools including: . Special Act School Districts . Division for Youth Facilities . Facilities licensed by DSS . Developmental Centers . County Jails . Department of Correctional Services Facilities . Office of Mental Retardation and Developmental Disabilities . Office of Mental Health . 4201 Schools . 4201 Deaf Infant Programs . Deaf Infant Program (non-4201)	A - D	DICSS	150 on-site educational program reviews of programs operated or licensed by OMH, DFY, DSS, DAAA DOC, Commission of Correction, OMRDD, DSAS.
1.8 To set rates for in-state and out-of-state schools serving children with handicapping conditions.	C	DICSS	Reimbursement rates were set annually for 171 in-state schools and 35 out-of-state private schools.
1.9 To meet with schools to resolve problems and conduct emergency audits as necessary.	C	DICSS	35 reviews have been conducted.
1.10 To review the educational programs of private residential schools for children with handicapping conditions.	B - D	DICSS	Responsibility reassigned to DPM. See objective 1.1.
1.11. To develop joint monitoring methodology with the Private School Unit of OMRDD for schools licensed by OMRDD as residential schools for the mentally retarded.	D	DICSS	Responsibility reassigned to DPM. See Objective 1.7.

STATUS REPORT ON FY 1984-1986

APPROACH: Monitoring

OBJECTIVES		GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
1.12	To review and approve applications for Commissioner's appointments to State-operated schools.	A, D	DSOS	580 new applications, 32 transfers and 374 termination notices were reviewed.
1.13	To review and approve annual and long-range educational plans of OMRDD consistent with New York State's comprehensive plan for special education services.	A - D	DICSS	Meetings held with Council on Children and Families, Hard to Place Committee, Program Information Exchange Committee, OMRDD and OMH personnel.
1.14	Review annual and long-range educational plans for each Office of Mental Health facility.	A - D	DICSS	See Objective 1.13.
1.15	To review and approve long- and short-range educational plans for: . Division for Youth . Department of Correctional Services . Special Act Districts . Private residential schools . Facilities licensed by DSS	A - D	DICSS	See Objective 1.13.

CONTINUING NEED FOR MONITORING

Monitoring is and will continue to be a major part of OECHC's activities. This approach is necessary to ensure:

- that quality special education programs and services are provided in compliance with Federal and State law and regulation;
- that all children with handicapping conditions are educated in least restrictive settings and are receiving appropriate services to meet their educational needs;
- that problems concerning the education of children with handicapping conditions are resolved in a timely manner; and
- that all appropriate evaluations and examinations including those conducted by specialists in areas such as reading, when necessary, are conducted to determine the full extent of such student's educational needs.

In addition to on-site program reviews, Regional Associates provide technical assistance to school personnel for improving the quality and effectiveness of special education programs.

ANNUAL EVALUATION

Each year, the State's findings through its monitoring of the effectiveness of programs in meeting the educational needs of children, including individualized education programs, are received by State Education Department officials.

It is through the in-depth reviews and individual consultations that the Regional Associates become aware of current problems, issues or concerns affecting the education of handicapped children. This information is used as part of OECHC's assessment of future training and information needs.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Monitoring

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
1.1 To conduct site visit reviews of local school districts, private schools and BOCES.	A - D	DPM	180 local public school districts, 15 BOCES and 80 private schools will be reviewed and a site visit report for each agency will be completed which outlines problems and and timelines for correction.	All local public schools, BOCES and private schools will show acceptable progress toward correcting problems noted in the site visit reports, as well as enhancing special education programs.
1.2 To review projects of local school districts operated by Federal grants under EHA and 89-313 funds.	C, D	DPM	Projects of local school districts under EHA and 89-313 funds will be reviewed.	Projects of local school districts under EHA and 89-313 funds will be reviewed.
1.3 To review progress reports from 4201 deaf infant programs.	A - D	DPM	Site-visit reports of all 4201 deaf infant programs reviewed will be on file at SED and copies forwarded to the respective agency outlining problems and timelines for correction.	All 4201 deaf infant programs will show acceptable progress towards operating in compliance with section 4204-a of the Education Law.
1.4 To maintain a register of all deaf infants in 4201 programs.	A, D	DPM	A current register of all deaf infants, ages 0-3 years who are enrolled in 4201 schools, will be on file.	A current register of all deaf infants, ages 0-3 years who are enrolled in 4201 schools, will be on file.
1.5 To conduct the program budget review process for the 4201 schools in cooperation with the Bureau of Fiscal Management.	A, D	DPM	Budget reviews of 4201 schools will be conducted.	Budget reviews of 4201 schools will be conducted.
1.6 To review STAC-1 forms submitted by local education agencies.	C, D	DPM	All STAC-1 forms will be reviewed to ensure that they include information necessary for OECHC to plan for the population served.	Children eligible to attend an approved private school, State-operated or State-supported school, or who require transportation in excess of 50 miles will be granted permission by the Commissioner in a timely manner.

BY: Monitoring

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
1.7 To review educational programs in agencies, child care institutions and private residential schools including: . Special Act School Districts . Division for Youth Facilities . Facilities licensed by DSS . Developmental Centers . County Jails . Department of Correctional Services Facilities . Office of Mental Health Services . 4201 Schools . 4201 Deaf Infant Programs . Deaf Infant Program (non-4201)	A - D	DPM	The following agencies will be reviewed and a comprehensive report for each will be completed which outlines compliance issues and timelines for correction: . 18 Special Act School Districts . 12 Division for Youth Facilities . 14 Facilities licensed by DSS . 10 Developmental Centers . 17 County Jails . 18 Department of Correctional Services facilities . 22 OMH facilities . 6 4201 Schools . 2 Deaf Infant Programs . 5 Deaf Infant (non-4201)	All agencies reviewed will demonstrate acceptable progress towards correcting compliance deficiencies noted in the site-visit reports and enhancing special education programs.
1.8 To set rates for in-state and out-of-state schools serving children with handicapping conditions.	C	DICSS	Rates will be set for approximately 171 in-state and 35 out-of-state schools.	Reimbursement rates will continue to be set throughout the three year period.
1.9 To meet with schools to resolve problems and conduct emergency audits, as necessary.	C	DICSS	$1.5 million will be recovered.	Reviews will continue throughout the the three year period.
1.10 To review the educational programs of private residential schools for children with handicapping conditions.	B - D	DPM	30 private residential schools will be reviewed through site-visits and a comprehensive report for each agency will be completed, noting compliance issues and timelines for correction.	All private residential schools will demonstrate progress toward correction compliance deficiencies noted in site-visit reports and enhancing special education services.
1.11 To review and approve applications for Commissioner's appointments to State-operated and State-supported schools.	A, D	DPM	All applications for appointment to and progress reports for continuation in State-operated and State-supported school programs will be reviewed in a timely manner.	Children eligible to attend State-operated and State-supported schools will be places with permission of the Commissioner in a timely manner.

BY TRAINING

THE COMPREHENSIVE SYSTEM FOR PERSONNEL DEVELOPMENT

Special projects funded through research and program development grant awards, technical assistance efforts and information dissemination are all integral components of New York State's Comprehensive System of Personnel Development (CSPD). However, New York State's plan and design for training is the core of its CSPD. Training goals for New York are the same as those outlined in CSPD requirements. The focus of personnel development for the Office for Education of Children with Handicapping Conditions (OECHC) is inservice training, defined as "any training other than that received by an individual in a full-time program which leads to a degree." New York State regulations require that each school district board of education adopt a written policy which establishes procedures to train personnel to effectively provide educational services to handicapped pupils in their districts. (Appendix B: CR 200.2(b)(2)).

Training is the responsibility of the Division of Program Development (DPD). To help meet this responsibility, the Division coordinates and supports the Special Education Training and Resource Center (SETRC) network. The Division assists the 46 SETRC's located throughout the State with EHA Part B discretionary money to provide training on the local school district level. A map of the SETRC locations follows this discussion. EHA, Part B discretionary monies have also been provided to support a teacher training project jointly managed by the New York City Board of Education and the United Federation of Teachers. Support comes from the Division staff in the form of statewide workshops for the training specialists employed on these projects three times annually, daily assistance through phone contacts and letters and the development of training manuals.

In addition to the SETRC Network, EHA Part B discretionary and administrative funds are used to support training personnel employed by the Division of Program Development. Also, Parts C and D grant awards have been obtained by the Division of Program Development to conduct training in specialized areas, such as for special education supervisors and school district teams consisting of regular education teachers, a special education teacher, a school psychologist and a school administrator.

New York's approach to training is in three stages: PLANNING, IMPLEMENTATION and EVALUATION. PLANNING for training is a joint effort among several groups. Each Project in the SETRC Network, as a condition for grant approval, is required to conduct surveys to determine the nature of training needs of people in their area. This information helps in the design of workshops and is also sent to the Division of Program Development to help plan statewide workshops conducted directly by its staff. Colleges and universities also recommend types of training which are needed by teachers graduating from teacher preparation programs. The Commissioner's Advisory Panel meets periodically and is another source of suggestions for training. Regional Associates working for the Division of Program Monitoring help to determine types of training to take place. They visit school districts throughout the State to ensure that correct procedures are in place for educating handicapped students. When problems are discovered, this information is communicated to the Division of Program Development and training is designed and conducted to assist these districts. In addition, the Division of Program Development conducts its own needs assessment activities in advance of training. Statewide needs assessments conducted by the DPD have related to training available on the education of handicapped children living in other residences and training new CSE members. The training objectives for 1984-1986, indicated on pages 61-63 of this Plan, the continuing areas of need on the inservice and preservice level, and the objectives from 1987-1989, indicated on pages 67-69, result from these multiple sources of information. Also, other divisions within the State Education Department are requested to provide suggestions for training. A current SETRC training objective for some centers, to train teachers of handicapped pupils who have limited English proficiency, has resulted from the interaction of divisions within the State Education Department. Parent organizations have been instrumental in identifying parent training needs by communicating through the SETRC network and directly to staff of the Division of Program Development. As data is collected, the providers of the information make on-going suggestions for the content and format of training which will constitute the training plan. Major initiatives of the State Education Department, such as the recently approved Regents Action Plan and Part 100 Regulations of the Commissioner, provide additional needs for new training which is conducted by the Division. The final development of the CSPD plan each year is completed by the Division of Program Development reviewing the information and suggestions obtained during the year.

To IMPLEMENT training, the DPD and SETRC each have specific goals and activities. Each year, the SETRC projects are given training objectives calling for certain amounts of training to take place for specific audiences at the LEA level. Priorities for training are developed in two ways. The Division of Program Development identi-

fies long-term training needs on certain topics and for specific groups. Training on new regulations and training for parents on their involvement in the IEP process have been long-term needs and remain as priorities. Other training priorities are established through the quantity of response to needs assessment surveys and questionnaires at the local (SETRC) and State level. These short-term priorities change more frequently. This year, training is to be offered to regular classroom teachers, vocational educators, guidance counselors, special education teachers, parents of handicapped children (preschool and school aged), board of education members, school administrators, including special education supervisors, and others who request training related to the education of the handicapped. Also, some SETRCs will be training special educators who teach bilingual handicapped students. Most of the SETRC training is offered as five, fifteen or thirty hour courses. A number of different methods are used to provide teachers with incentives to attend workshops. Some school districts allow teachers released time to attend training during school hours. Other school districts give salary credit to teachers attending training. These salary increments are funded by local school district money. Some SETRCs have developed cooperative agreements to offer training for graduate and undergraduate credit with colleges in their area.

In addition to assisting the SETRC projects, the Division staff also conducts direct training. This training usually consists of one or two day sessions for Committee on Special Education members, school administrators, and board of education members. These workshops are designed to help participants and school districts by: 1) informing them of laws and regulations for identifying and placing children in special education programs; 2) informing them of their responsibilities for insuring effective implementation of procedural safeguards for parents and students; 3) understanding the concept of Least Restrictive Environment; and 4) developing skills to work together effectively, as a group, in their school districts.

The Division has received grant awards from the U.S. Department of Education to support training of some of the key personnel identified above.

A proposal entitled "Access and Equality of Opportunity For Handicapped Students" will support the training of special education supervisors and building principals during the period September 1, 1985 – August 31, 1988. The focus of the training will be on the effective implementation of the Part 200 and Part 100 Regulations of the Commissioner of Education. Regional two-day training programs will emphasize administrative planning, problem solving and key decision making to ensure successful access and appropriate opportunities for students in need of special education programs and services.

Training for board of education members will be supported during the 1985- 1986 school year through the third year continuation proposal entitled, "Preparation of Special Education Policy Makers – Training Institutes for Board of Education Members." This project provides for large, regional Special Study Institutes (SSI's) for this population. In addition to board members, this program supports the training of school superintendents.

Another proposal entitled "Expanding Educational Opportunities for Learning Disabled Students" will provide training and technical assistance to school districts and institutions of higher education during the period October 1, 1985 – September 30, 1990. This project will train local school district teams consisting of three regular classroom teachers, a principal, a psychologist, and a special educator through fifty-five (55) regional workshops. Nine sessions will be held specially for university personnel. Training will focus on strategies for dealing with learning disabled students in order to maximize their participation in regular education programs.

Persons employed by the DPD and those hired as training specialists on the SETRC projects are required to meet specific qualifications. Staff working at the DPD must have at least a masters degree in special education or a related field, three to five years teaching experience and experience in conducting workshops. Qualifications for SETRC training positions are the same, except that the teaching experience requirement is three years. In order to address the variety of training needs which require specific expertise and experience, consultants from universities and other organizations are employed by SETRC and the DPD to develop and conduct training. For example, many SETRCs use college professors to train vocational educators on working effectively with handicapped students. University consultants were chosen by DPD to help develop training packages for teachers of the visually and hearing impaired and for impartial hearing officers. Also, members of parent organizations have worked with DPD staff in the development and delivery of training for parents.

The Division has also developed cooperative arrangements with the Office of Occupational and Continuing Education inservice programs to deliver training sessions to occupational educators implementing the revised New York State occupational curriculum. SETRC trainers work in conjunction with regional trainers for occupational education in preparing occupational teachers to meet the needs of students with handicapping conditions in occupational education.

The Division of Program Development also works cooperatively with Institutions of Higher Education in carrying out key activities under the Cooperative System of Personnel Development. During the summer of 1984, representatives of twenty-two (22) institutions of higher education participated in a two-day program entitled "Institute on the Development of Special Education Services Delivery Systems in Urban School Districts." This program was conducted under the personnel preparation grant, "Training Urban Decision Makers to Implement a Systematic Service Delivery Approach for Handicapped Pupils."

The program was designed to share activities that were developed as a result of this project. Specifically, the two-day conference focused on the following topics:

- concept and process of LRE within the context of laws, regulations and urban educational delivery systems;
- school district options and administrators responsibilities in the delivery of special education services; and
- reorganization of service delivery patterns to incorporate the intent of LRE within a systematic approach to education in urban settings.

The Institute provided an excellent opportunity for SED staff and university personnel to interact and share resources considered useful in improving educational services to handicapped youth in New York State.

Subsequent to the training session, a survey was prepared to determine the extent to which activities presented during the Institute were utilized and perceived as effective. Based on the survey results, it was determined that at least fifty-six (56) percent of the participants who attended the Institute had used many of the activities and materials in their respective courses. When the survey was conducted, over 400 students had participated in a variety of courses in which one or more of the activities/materials were utilized. In most instances, the student response was either rated good or excellent. One hundred percent of those returning the survey indicated that they would attend future in-service programs.

During the 1987-1989 State Plan period, the DPD will continue to work closely with Institutions of Higher Education in meeting statewide preservice and in-service training needs. As indicated above, the five year personnel preparation grant entitled, "Expanding Educational Opportunities for Learning Disabled Students," will involve nine (9) working sessions for university personnel. In addition, through a two-year grant award from U.S. Department of Education entitled "Assisting Learning Disabled Students Transition to Post-Secondary Programs Through Cooperative Planning At the Secondary Level," further involvement with higher education will occur. This two-year project will be in operation during the period October 1, 1985 – September 30, 1987 and will involve a model planning process with community college staff and LEA staff in two regions of the State. The goal of the project is to establish closer ties among key personnel at community colleges and LEAs in order to provide a smooth transition for learning disabled students from school to post-secondary environments. This will be accomplished by development, implementation, and evaluation of a cooperative planning model involving community college staff and LEA staff over the two-year period.

Through these cooperative efforts with Institutions of Higher Education, the State's Comprehensive System of Personnel Development is addressing critical preservice and in-service needs. It is expected that this established working relationship will continue to be an important component of New York State's CSPD.

Training, by both the DPD and SETRC, serves as a method to insure that innovative practices are used at the LEA level. Training is routinely conducted on new model programs/curricula/techniques developed nationally and on the local level by the SETRC trainers. Training related to new research has been conducted on bilingual assessment and programming for handicapped students and active stimulation for the severely handicapped. The individual SETRCs distribute many items of information related to innovative practices as requests are received through phone calls and letters. The DPD works cooperatively with New York's State Facilitators Office, which is a component of the National Diffusion Network, to insure dissemination of exemplary programs. The applicability of programs to the needs of school personnel working with the handicapped is confirmed by the State Facilitators Office by conferring with DPD staff. Several joint conferences have been sponsored by the State Facilitators Office and the DPD. Programs approved by the Joint Dissemination Review Panel and by SED's validation system are provided to the LEAs in the form of information, workshops, follow-up and technical assistance through a network of Optional Education Program (OEP) representatives located in each of the BOCES and large city school districts. Funding of these representatives is partly through Chapter II and mostly through local contributions. OEP representatives are trained by the State Facilitators Office on how to train others on the implementation of programs. Many of the approved programs relate to the education of handicapped children.

The DPD has an Information Unit which researches requests from individuals for information on model programs and practices. Significant information on promis-

ing practices is acquired by the Information Unit in several ways. Access to the Educational Resource Information Center (ERIC) is a primary source of information. Journals and periodicals relevant to the education of handicapped students are received by the DPD and reviewed by staff of the Information Unit. These reviews identify current educational research and model projects throughout the country. The information is filed and duplicated for dissemination to the SETRC Network and to OECHC staff. Another routine practice is sharing model programs and materials developed by other State Education Departments. Also, information on model programs is obtained through the State Facilitators Office of the National Diffusion Network housed at SED. Descriptions of NDN-approved programs are available through the Information Unit, as are many of the programs developed. These programs are purchased for review and for training by the SETRC's with EHA Part B discretionary money. On a quarterly basis, the SETRCs are informed by the Information Unit of newly developed programs, their availability through the DPD or through other sources. SETRCs utilize their allocated EHA Part B funds to purchase programs, at their discretion, which are not available through the Information Unit, on the basis of their relevance to the training/information needs in their area. Since the SETRCs are located on the local level and are more aware of needs for training and information, they have the capability to make informed decisions about the programs best suited for general educators, special educators, support personnel, administrators and other agencies and organizations. Training for LEA personnel, to inform them about these programs and their implementation, is provided by SETRCs throughout the year. On a statewide basis, both DPD and SETRC use SED's validation system for model projects in the adoption of promising practices on the LEA level. The process results in reassessment of practices used throughout the State (See Appendix C: Validation Handbook).

The Office of Federal Demonstration Programs coordinates the validation process for programs related to the education of handicapped pupils. Other Offices within the State Education Department are resources which aid in meeting the State's personnel preparation needs. The Educational Data Systems Office provides current information leading to the identification of personnel needing training on the inservice level and also provides direction to the training needs for new personnel entering the field of special education. Regional Associates employed by OECHC contribute significantly to the information base needed for personnel planning through the process of on-site program reviews. The established lines of communication between Regional Associates and the DPD leads to cooperative identification and planning for inservice needs. Locally, the SETRC Network serves as a resource for planning through their contact with local personnel and the assessment of their needs. Assistance by DPD staff in the development of needs assessment surveys helps the LEAs identify personnel development needs.

EVALUATION of training sessions and the system for training is a continuing activity. Each workshop is evaluated by participants. This information is useful to determine changes in the training programs that are necessary to meet the needs of the groups trained. This information is collected and remains on file for future reference.

In addition to inservice training needs, special consideration is given to the needs of personnel currently in special education teacher preparation programs. The DPD's access to annual information collected by the Educational Data Systems Office is a resource used to plan preservice training. The numbers of handicapped children and indication of their specific classifications leads to adjustments in the nature of preservice training programs at the IHE level. For instance, the number of learning disabled students has increased substantially during recent years and the universities will need to address this change in their teacher preparation programs. An additional 2,786 teachers will be needed in this area by the 1988-89 school year. Information on the future training needs of teachers, paraprofessionals and other support personnel come to the DPD in a variety of ways. On-site visitations, information obtained at training sessions, input from professional organizations, phone calls and letters all serve as sources of information which are recorded and used for planning. This information and statistical data is used when meeting with the Teachers Education, Certification and Practice Board (TECAP) to plan teacher preparation programs. Supervisory staff from the DPD are regularly involved with this Board as it concerns teacher certification and programs in special education. (Appendix B: RR. 3.14)

For the immediate future, OECHC plans to use both the SETRC Network and the already existing Commissioner's Advisory Panel to assist it in its responsibilities. Also, university personnel will be a part of planning activities for CSPD as OECHC contracts with them as consultants, recipients of grant awards and as a group to receive and help conduct training statewide. This ongoing interaction with universities is expected to lead to cooperative plans for modifying pre-service and graduate courses to meet the changing needs of school districts in providing programs for handicapped students. This effort will be coordinated with the State's review of certification programs for all educational service providers, to be conducted during the next two years.

NEW YORK STATE
SPECIAL EDUCATION TRAINING AND RESOURCE CENTER (SETRC)
NETWORK
CENTERS IN BOCES (40)
CENTERS IN CITIES (5)
NEW YORK CITY REGIONAL SITES (5)
CENTER AT STATE UNIVERSITY (1)
COORDINATING OFFICE

STATUS REPORT ON FY 1984-1986

APPROACH: Training

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
2.1 To train newly appointed members of CSE to improve their functional skills as Committee members and to effectively use State laws and regulations regarding referral, evaluation, placement and review of educational programs and due process procedures for pupils with handicapping conditions.	A - D	DPD	1228 New CSE members trained.
2.2 To train impartial hearing officers on matters of due process to prepare them to conduct fair hearings and write decisions.	A - D	DPD	346 impartial hearing officers trained.
2.3 To train board of education members about laws and new regulations to ensure that they are aware of their responsibilities related to educating pupils with handicapping conditions.	A - D	DPD	744 board of education members trained.
2.4 To train teachers of the visually and hearing impaired on new regulations and the skills necessary to promote the education of pupils with handicapping conditions in the least restrictive environment, on request.	A, B	DPD	No requests received for this training.
2.5 To train school district personnel and other appropriate individuals on the implementation of current laws and new regulations regarding the education of pupils with handicapping conditions.	A - D	DPD	3,269 school districts personnel and other individuals trained.
2.6 To train occupational educators to effectively teach pupils with handicapping conditions and develop appropriate individualized education programs for their pupils.	A, B	DPD	7,678 occupational educators trained and 2,540 hours of training provided.

STATUS REPORT ON FY 1984-1986

APPROACH: Training

OBJECTIVES		GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
2.7	To train regular education teachers on how to effectively teach children with handicapping conditions in the least restrictive environment.	A, B	DPD	22,850 regular education teachers trained and 13,876 hours of training provided.
2.8	To train parents of school-aged pupils with handicapping conditions on a variety of topics identified through local needs assessments.	A, B	DPD	27,613 parents of school-aged handicapped pupils trained and 18,866 hours of training provided.
2.9	To train administrators, special education teachers and parents of pupils with handicapping conditions below the age of five on matters related to the identification and placement of such pupils.	A, C	DPD	1,050 administrators training; 10,842 special education teachers and parents of handicapped pupils below the age of five trained and 4,645 hours of training provided.
2.10	To provide training through the SETRC network based upon local needs assessments.	A - D	DPD	262,400 individuals trained and 9,720 hours of training provided.
2.11	To train teachers educating handicapped pupils who have limited English proficiency.	A - D	DPD	3,868 teachers of handicapped pupils with limited English proficiency trained and 2,141 hours of training provided.
2.12	To train guidance counselors and other support personnel on their roles and responsibilities with handicapped children.	A - D	DPD	17,260 guidance counselors and other support personnel trained and 5,030 hours of training provided.
2.13	To train regular education building principals on issues related to special education programs in the least restrictive environment.	C	DPD	851 building principals trained.

STATUS REPORT ON FY 1984-1986

APPROACH: Training

OBJECTIVES		GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
2.14	To develop training programs and materials and implement training activities for administrators and other state agency personnel involved in the education of neglected and delinquent pupils who have handicapping conditions.	A - D	DPD	85 agency personnel trained.
2.15	To develop training materials and activities to train urban decision makers to systematically plan and deliver special education services in city school districts.	C, D	DPD	426 urban decision makers trained.
2.16	To develop training materials and activities to train individuals at selected pilot sites to implement a statewide service delivery model for severely handicapped children.	C, D	DPD	Activity still in the planning stages.
2.17	To provide inservice training to OMH facilities regarding the implications of the revised Part 200 Commissioner's Regulations, committee responsibilities, IEP development and implementation of Chapter 66 of the Laws of 1978.	A - D	DPD	Training planned for 1985-86 school year.
2.18	To coordinate interagency training sessions for OMRDD school district staff relative to Chapter 721, 66 and 47.	A - D	DPD	37 individuals trained.
2.19	Provide inservice training at 7 developmental centers regarding CSE responsibilities and IEP development.	A - D	DPD	70 OMRDD personel responsible for CSE functions of developmental centers trained.

CONTINUING TRAINING NEEDS

INSERVICE

Projections for future inservice training have been developed by OECHC. Various types of training for different groups are planned for the next three years. Training will be designed to 1) increase awareness of and sensitivity to the needs of handicapped pupils, 2) provide information on laws, regulations and educational practices, 3) give opportunities to individuals to improve or develop skills, and 4) allow individuals to apply skills learned. There will also be infused throughout the various training programs an emphasis on each school district's responsibility to ensure that all appropriate evaluations and examinations needed to determine the full extent of each student's needs are conducted. The identified needs of individuals and groups will determine the type and content of inservice training to be conducted.

The DPD will have responsibility to provide direct training to;

- new CSE and sub-CSE members,
- CSE members on the needs of severely handicapped children
- impartial hearing officers,
- regular education principals/administrators/special education supervisors,
- personnel from other State agencies providing services to the handicapped,
- school district teams consisting of regular education teachers, special education teachers, psychologists and building principals.

The SETRC Network will be assigned the following training responsibilities;

- board of education members,
- school district personnel on laws and regulations,
- occupational educators,
- regular educators,
- special educators,
- parents of preschool handicapped children,
- parents of school-aged handicapped children,
- guidance counselors and other support personnel,
- teachers of bilingual handicapped, and
- others based upon local needs assessments.

FOR PERSONNEL DEVELOPMENT –PRESERVICE TRAINING

The number of special education instructional and support personnel needed to serve handicapped children each year is directly related to:

- The number of children needing special classroom, resource room and related services as specified in their IEPs, which are reviewed and revised at least annually;
- the regulated maximum class sizes and teacher loads which vary according to the needs of the children; and
- the rate at which existing personnel are leaving the profession each year.

Based upon information gathered over the past six years, it can be seen that, each year, the number of handicapped children requiring services increases. The amount of increase per year varies according to a number of factors. Improved identification procedures, increased awareness of the role of special education and effectively operating Committees on Special Education may contribute to this increase. At the same time, data indicates an annual attrition rate of approximately 10 percent for special education personnel due to retirement and other factors. A more complete discussion of the State's needs for preservice personnel development and training is provided in the DATA section of this plan.

These two trends are important matters to consider when projecting future personnel needs on the preservice level. The information presented in the following tables portrays the potential personnel needs for the 1988-89 school year (the final year of this three year plan). Projected increases in numbers of handicapped children to be served over the next three years have been made on the basis of current trends. It is anticipated that most increases will be seen in the number of learning disabled and emotionally disturbed students. (See the section entitled DATA for more detail).

TABLE 1 A: A PROJECTION OF ADDITIONAL INSTRUCTIONAL AND RELATED OR SUPPORT SERVICE PERSONNEL NEEDS, 1985-89

Instructional and Related Services Personnel	Footnote	(F) Personnel Employed to Serve 277,600 Children, 1985-86 (Estimated)	(G) Personnel Available in 1988-89 After 11 Percent Annual Attrition (Projected)	(H) Personnel Needed to Serve 297,000 Children by 1988-89 (Projected)	(H) - (G) Additional Personnel Needed by 1988-89 to Maintain Current Staffing Levels (Projected)
(1) Special Education Teachers	(1)	28,291	19,945	30,405	10,460
(2) Psychologists		2,054	1,448	2,041	593
(3) Other Diagnostic Staff		NA	NA	NA	NA
(4) Occupational Therapists	(2)	NA	NA	NA	NA
(5) Physical Therapists	(2)	NA	NA	NA	NA
(6) Speech Pathologists	(2)	NA	NA	NA	NA
(7) Audiologists	(2)	NA	NA	NA	NA
(8) Teacher Assistants/Aides	(3)	6,950	4,900	7,436	2,536
(9) Vocational Educators	(4)	11,645	8,209	11,575	3,366
(10) Work-Study Coordinators		265	187	263	76
(11) Physical Education Teachers	(Adaptive)	1,304	919	1,395	476
(12) Recreation Therapists	(2)	NA	NA	NA	NA
(13) School Social Workers		947	668	942	274
(14) Supervisors		2,835	1,998	3,033	1,035
(15) Other Non-Instructional Staff	(5)	3,320	2,340	3,552	1,212
(16) Total (Rows 1-15)		57,611	40,614	60,642	20,028

1. See Table 1B for detail.
2. Statewide data not available.
3. This count, reported by schools, appears too low and requires verification.
4. Total number serving handicapped and nonhandicapped.
5. Includes staff involved in health services (nurses, psychiatrists, etc.), food service, maintenance, pupil transportation, etc.

TABLE 1 B: A PROJECTION OF ADDITIONAL SPECIAL CLASS AND RESOURCE ROOM TEACHERS NEEDED BY SCHOOL YEAR 1988-89

Special Class and Resource Room Teachers	(A) Children Served 1985-86 (Estimated)	(B) Teachers (FTE) 1985-86 (Estimated)	(C) Teachers Available in 1988-89 after 11 percent annual attrition (Estimated)	(D) Children to be Served, 1988-89 (Projected)	(E) Number of Teachers needed to maintain 1985-86 staffing ratios (Ratios in Parenthesis) (Projected)		(E) - (C) Additional Teachers needed by 1988-89 (Projected)
Teachers of special education							
o Learning disabled(I)	135,400	7,522	5,303	145,600	8,089	(18.0)	2,786
o Emotionally disturbed(F)	42,200	5,274	3,718	45,400	5,675	(8.0)	1,957
o Mentally retarded(A)	30,800	2,850	2,009	32,200	2,981	(10.8)	972
o Physically handicapped(G,H)	22,400	7,216	5,087	24,000	7,742	(3.1)	2,655
o Autistic	900	346	244	1,000	385	(2.6)	141
o Multiply handicapped(K)	9,200	1,399	986	11,700	1,773	(6.6)	787
o Non-categorical(L)	---	---	---	---	---		---
Teachers of the deaf and hearing impaired							
o Deaf	2,600	747	527	2,800	800	(3.5)	273
o Hard of hearing	2,400	257	181	2,600	280	(9.3)	99
Teachers of the blind and partially sighted							
o Visually impaired	1,700	354	250	1,700	354	(4.8)	104
o Deaf-blind	NA	NA	NA	NA	NA		NA
Teachers of speech and hearing handicapped							
o Speech impaired	30,000	2,326	1,640	30,000	2,326	(12.9)	686
Total	277,600	28,291	19,945	297,000	30,405	(9.8)	10,460

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Training

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
2.1 To train newly appointed members of CSE to improve their functional skills as Committee members and to effectively use State laws and regulations regarding referral, evaluation, placement and review of educational programs and due process procedures for pupils with handicapping conditions.	A - D	DPD	250 individuals representing 150 CSE's will receive training.	750 individuals representing 450 CSE's will be trained.
2.2 To train impartial hearing officers on matters of due process to prepare them to conduct fair hearings and write decisions	A - D	DPD	50 individuals recommended by boards of education will receive training.	40 individuals will be placed on the State's list of impartial hearing officers as having successfully met the criteria established for the program.
2.3 To train board of education members about laws and new regulations to ensure that they are aware of their responsibilities related to educating pupils with handicapping conditions.	A - D	DPD	350 board of education members representing 100 districts will receive training.	1,050 board of education members representing 300 districts will be trained.
2.4 To train school district personnel and other appropriate individuals on the implementation of current laws and new regulations regarding the education of pupils with handicapping conditions.	A - D	DPD	1,000 school district personnel responsible for the education of handicapped children will receive training on current law and regulations.	3,000 individuals will receive training on current law and regulations.
2.5 To train occupational educators to effectively teach pupils with handicapping conditions who are placed in occupational programs through appropriate individualized education programs.	A, B	DPD	3,500 occupational educators will receive intensive (5-30 hours) and single session training through the SETRC network.	10,500 occupational educators will be trained through intensive (5-30 hours) and single session training by SETRC.
2.6 To train regular education teachers on how to effectively teach children with handicapping conditions who are placed in regular programs through appropriate individualized education programs.	A, B	DPD	8,000 regular education teachers will receive intensive and single session training through the SETRC network.	24,000 regular education teachers will be trained through intensive (5-30 hours) and single session training through the SETRC network.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Training

OBJECTIVE		GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	BY JUNE 1989
2.7	To train special education teachers on assisting handicapped pupils in gaining access to the regular education curriculum.	C	DPD	10,000 special education teachers will receive training through the SETRC network.	30,000 special education teachers will receive training through the SETRC network.
2.8	To train parents of school-aged pupils with handicapping conditions to deal effectively with the planning and implementation of the individualized education program.	A, B	DPD	10,000 parents of school-aged pupils with handicapping conditions will receive training through the SETRC network.	30,000 parents of school-aged pupils with handicapping conditions will be trained through the SETRC network.
2.9	To train administrators, special education teachers and parents of pupils with handicapping conditions below the age of five on matters related to the identifiction and placement of such pupils based on local needs.	A, C	DPD	1,000 parents of handicapped children below the age of five, and 250 special education teachers and/or administrators will receive training through the SETRC network.	3,000 parents of handicapped children below the age of five, and 700 special education teachers and/or administrators will be trained through the SETRC network.
2.10	To provide training through the SETRC network based upon local needs assessments.	A - D	DPD	Intensive (5 hours) and single session training will be provided according to local needs assessment data.	Intensive (5 hours) and single session training will be provided according to local needs assessment data.
2.11	To train teachers educating handicapped pupils who have limited English proficiency.	A - D	DPD	3,000 hours of training will be provided statewide to teachers educating handicapped pupils who have limited English proficiency.	6,000 hours of training will be provided statewide to teachers educating handicapped pupils who have limited English proficiency.
2.12	To train guidance counselors and other support personnel on their roles and responsibilities with with handicapped pupils.	A - D	DPD	3,000 hours of training statewide will be provided to guidance counselors and other support personnel on their roles and responsibilities for handicapped pupils.	9,000 hours of training statewide will be provided to guidance counselors and other support personnel on their roles and responsibilities for handicapped pupils.
2.13	To train school district teams consisting of 3 regular education teachers, a special education teacher, a school psychologist and an administrator on working effectively with learning disabled students.	C	DPD	400 school district team members will receive training on working effectively with learning disabled students.	1,200 school district team members will receive training on working effectively with learning diabled students.

BY: Training

OBJECTIVE		GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	BY JUNE 1989
2.14	To train regular education building principals on issues related to providing the education of handicapped pupils in the least restric-restrictive environment.	C	DPD	200 regular education building principals will receive training related to providing the education of handicapped pupils in the least restrictive environment.	600 regular education building principals will receive training related to providing the education of handicapped pupils in the least restrictive environment.
2.15	To develop training programs and materials and implement training activities for administrators and other state agency personnel involved in the education of the neglected and delinquent pupils who have handicapping conditions.	A - D	DPD	A training program will be designed and field-tested with administrators and state agency personnel involved in the education of neglected and delinquent pupils who are handicapped.	120 administrators and state agency personnel involved in the education of neglected and delinquent handicapped students.
2.16	To coordinate interagency training sessions for OMH administrators relative to laws and regulations pertaining to handicapped pupils educated in psychiatric centers.	A - D	DPD	A training program for OMH administrators will be developed and provided.	OMH facilities' administrators will be trained.
2.17	Provide inservice training at psychiatric centers regarding CSE responsibilities and IEP development.	A - D	DPD	12 psychiatric centers' staff will receive training on CSE responsibilities.	12 psychiatric centers' staff will be trained on CSE responsibilities.
2.18	Provide in-service training to representatives of ten (10) institutions of higher education.	A - D	DPD	Faculty of two community colleges will have been trained regarding the needs of learning disabled students transitioning from secondary to post-secondary education.	10 training sessions will have been held for faculty of institutions of higher education throughout New York State.
2.19	To train CSE members on the assessment and programmatic needs of severely handicapped children.	A - D	DPD	A training program will be developed and field tested for CSE members serving severely handicapped children (by June 1987).	500 CSE members will have received training in the assessment and programmatic needs of severely handicapped students (by June 1989).

BY TECHNICAL ASSISTANCE

Technical assistance is a common activity for each of the Divisions within OECHC. It occurs in a variety of ways depending upon those in need of such service. Many times it takes the form of responding to letters and phone calls from individuals needing clarification or direction on how handicapped children are to be educated in New York State.

There are special types of assistance provided by each of the Divisions based upon their assigned responsibilities. Technical assistance provided by regional associates from the Division of Program Monitoring usually takes place in the context of program reviews at a school district or school building. Assistance may occur at the time of a review or as part of follow-up correspondence outlining future program directions and suggestions on how to implement them.

The Division of Program Monitoring also provides assistance as a result of reviews of programs provided at public and private schools, including the State supported schools and special act districts and agencies providing programs for handicapped students, such as the Office of Mental Health, Division for Youth, Department of Social Services, and others operating schools. Also, in its effort to foster cooperation among service providers, assistance is provided in the development of joint plans, goals and activities with other agencies.

The Division of State-Operated Schools gives technical assistance to individuals especially interested in matters related to the operation of the State Schools at Batavia and Rome.

The Division of Program Development has responsibility for administering programs designed to assist individuals in special ways. The Division staff coordinates activities of the Early Childhood Direction Centers (ECDC) and the Special Education Training and Resource Centers (SETRC). Technical assistance is a major activity of each of these funded projects. The Direction Centers provide direct assistance to parents to help them locate special programs and services for their children who are under the age of five. Training specialists in the SETRC Network assist parents, teachers, administrators and others on special education topics which are of interest or concern. Another special program is the Deaf Infant Program. It supports the education of children under three years of age who have a severe hearing loss by offering parents training and consultation. Division staff oversees the application process for this service. The American Printing House for the Blind Program provides direct assistance in obtaining special education instructional materials and equipment for the education of legally blind children. Division staff maintain the registration process for this service.

Requests for state reimbursement for court-ordered services are reviewed in the Division office and recommendations are forwarded to county officials for the provision of special education services for handicapped children under the age of five.

Other forms of assistance offered by this Division include maintaining and reviewing activity reports for the development of future State plans and the provision of direct assistance to the Commissioner through the development of legislative proposals, the preparation of draft regulations and the review of impartial hearing officer decisions.

The Division of Interagency Cooperation and Support Services also includes the System to Track and Account for Children (STAC). STAC is an automated system which processes all requests for Commissioner's placement approval and/or fiscal approval for all programs for handicapped children which are administered through the Office for Education of Children with Handicapping Conditions (OECHC).

STATUS REPORT ON FY 1984-1986

APPROACH: Technical Assistance

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
3.1 To give parents, teachers, administrators and others involved in the education of children with handicapping conditions technical assistance via written communications.	A - D	DPD DPM DICSS DSOS	All responses to requests for assistance that required a written response were developed in a timely and accurate manner.
3.2 To coordinate and develop a long-term plan for the 4201 system.	D	DPM	The supervision and monitoring of the 4201 schools were reorganized and placed within the responsibility of the Division of Program Monitoring for consistency and efficiency of management.
3.3 To assist county sheriffs in the developments of long- and short-range educational plans for jail programs.	D	DPD	Projects for ensuring the accomplishment of this objective were conduted in six counties for three years. Ongoing technical assistance and a project in one State correctional facility continue.
3.4 To give parents, teachers, administrators and others involved in the education of children with handicapping conditions assistance via telephone.	A - D	DPD DPM DICSS DSOS	All requests for telephone assistance were responded to in an appropriate and timely manner.
3.5 To provide individual consultation to the following agencies as a follow-up to deficiences noted in the site reviews: . Special Act School Districts . Division for Youth Facilities . Programs licensed by DSS . Developmental Centers . County jails . Department of Correctional Services Facilities . Office of Mental Health Facilities . 4201 Schools . Newly Developed 4201 Deaf Infant Programs . Deaf Infant Programs (non-4201) programs)	A - D	DPM	Responsiblity for monitoring of these agencies was transferred to the Division of Program Monitoring for greater consistency and management efficiency. Deficiencies noted were resolved or are part of a continuing resolution plan.

STATUS REPORT ON FY 1984-1988

APPROACH: Technical Assistance

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
3.6. To coordinate and supervise activities between OECHC and Federal agencies to ensure that the State Education Department is aware of Federal policies and procedures in educating children with handicapping Conditions.	A - D	DPD DPM DICSS DSOS	All divisions have been made aware of of changes and new developments in Federal policies and procedures which may impact New York State.
3.7 To set and review, on appeal, reimbursements rates for in-state and out-of-state private schools for children with handicapping conditions, in cooperation with the State Department of Social Services.	A - D	DISCC	By FY 1986, all approved private schools have rates established within required timelines. Appeals of rates are completed in a timely manner.
3.8 To develop a long-range educational plan in collaboration with the Office of Mental Health to determine future program direction in education.	A - D	DICSS	A written interagency agreement between SED and OMH has been developed.
3.9 To provide technical assistance through the State's network's, SETRC and ECDC, on educating handicapped children 0-21 years of age.	A - D	DPD	Number of persons assisted: 20,000 via SETRC 16,300 via ECDC 3,900 via American Printing House for the Blind 270 via Deaf Infant Program 500 Deaf/Blind Project
3.10 To coordinate educational programs for pupils with handicapping conditions below the age of five, including the management of the Family Court program, deaf infant program and other Federal and State activities related to this area.	A - D	DPD	All programs were coordinated during reporting period.

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STATUS REPORT ON FY 1984-1986

APPROACH: Technical Assistance

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
3.11 To develop and/or review legislative proposals, regulations, policies and guidelines related to the education of handicapped children.	A - D	DPD	Legislative proposals developed and revised.
3.12 To develop, modify and maintain updated reports on the New York State Plan for children with handicapping conditions.	A - D	DPD DICSS	Activity reports maintained on file and used for development of 1987-89 State Plan.
3.13 To supervise projects and grant awards which are funded by the Office for the Education of Children with Handicapping Conditions to help educate children with handicapping conditions in least restrictive environments.	A - D	DPD	Projects managed through analysis of progress reports and site visits.
3.14 To coordinate the statewide training network of Special Education and Resource Centers (SETRC'S) and to ensure that this network effectively implements designated State Plan training objectives concerning the education of pupils with handicapping conditions.	A - D	DPD	The SETRC network has successfully contributed to attaining the training objectives of this Plan through the use of appropriate fiscal resources.

CONTINUING NEEDS FOR TECHNICAL ASSISTANCE

Technical assistance will remain as a major approach used by OECHC to ensure that appropriate suggestions and recommendations are provided to help develop and improve services to handicapped students. In the process of carrying out their responsibilities, each Division will assist individuals school districts, and other agencies and programs. Monitoring, training, review of funded projects, administration of programs and cooperative planning among agencies each creates opportunities to provide this service. A new federally-funded project will enable the Division of Program Development to assess the effect of instructional program options and support services within the general education program on the frequency of referral to and the timelines of declassification of student from special education. The results of this study will be the basis for future technical assistance to schools and the development of legislative and policy initiatives related to effective integration practices for students with handicapping conditions.

BY: Technical Assistance

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
3.1 To give parents, teachers, administrators and others involved in the education of children with handicapping conditions technical assistance via written communications.	A - D	DPD DPM DICSS DSOS	All requests for assistance that require a written response will be developed in a timely and accurate manner.	All requests for assistance that require a written response will be developed in a timely and accurate manner.
3.2 To give parents, teachers, administrators and others involved in the education of children with handicapping conditions assistance via telephone.	A - D	DPD DPM DICSS DSOS	All requests for telephone assistance will be responded to in an appropriate and timely manner.	All requests for telephone assistance will be responded to in an appropriate and timely manner.
3.3 To provide individual consultation to the following agencies as a follow-up to deficiencies noted in the site reviews: . Special Act School Districts . Division for Youth Facilities . Programs licensed by DSS . Developmental Centers . County jails . Department of Correctional Services Facilities . Office of Mental Health Facilities . 4201 Schools . Newly Developed 4201 Deaf Infant Programs . Deaf Infant Programs (non-4201 programs)	A - D	DPM	Progress toward correcting deficiencies in specific programs will be made according to specified timelines.	Deficiencies in all programs reviewed will be resolved during this period.
3.4 To coordinate and supervise activities between OECHC and Federal agencies to ensure that the State Education Department is aware of Federal policies and procedures in educating children with handicapping conditions.	A - D	DPD DPM DICSS	All divisions will be aware of changes and new developments in Federal policies and procedures which may affect New York State.	All divisions will be aware of changes and new developments in Federal policies and procedures which may affect New York State.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Technical Assistance

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
3.5 To set, and review on appeal, reimbursement rates for in-state and out-of-state private schools for children with handicapping conditions, in cooperation with the State Department of Social Services.	A - D	DPM	Reimbursement rates will be jointly established with DSS for 59 in-state and 35 out-of-state private schools for children with handicapping conditions.	Reimbursement rates will be jointly established with DSS for 59 in-state and 35 out-of-state schools for children with handicapping conditions.
3.6 To provide technical assistance through the SETRC and ECDC network, on educating handicapped children 0-21 years of age.	A - D	DPD	Written and verbal responses will occur according to requests for assistance in a timely manner.	Written and verbal responses will occur according to requests for assistance in a timely and accurate manner.
3.7 To coordinate all educational programs for pupils with handicapping conditions, including Family Court programs, Commissioner's appointments, placements in approved private schools or Special Act School Districts, public placements under Chapters 47, 66 and 721 and 786 (Excess High Cost), and other State agency placements (Chapters 563 and 947).	A - D	DPD DICSS& DPM	A computerized information system (STAC) manages data related to processing of programs or fiscal approvals for all pro- administered by OECHC educating children with handicapping conditions.	The data management system (STAC) will continue to issue approvals. In addition it will coordinate a link with State Aid in order to process the actual fiscal administration for all approvals issued, in accordance with State and Federal statutes.
3.8 To develop and/or review legislative proposals, regulations, policies and guidelines related to the education of children with handicapping conditions.	A - D	DPD DPM	New York State's laws, regulations and policies will be developed in an appro- private and timely manner.	New York State's laws, regulations and policies developed and/or revised will be communicated to the field in a timely manner.

BY: Technical Assistance

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
3.9 To develop, modify and maintain updated reports on the New York State Plan for children with handicapping conditions.	A - D	DPD	The annual report will be submitted in a timely manner and amendments made as appropriate. A Status report of the accomplishments of this plan will be on file.	Updated reports on the education of children with handicapping conditions will be on file for use in developing the FY 1990-92 State Plan.
3.10 To manage projects which provide funding to or are funded by OECHC and are designed to educate pupils with handicapping conditions.	A - D	DPD	All fiscal resources which provided assistance to or are allocted by OECHC will be used according to their intended purpose.	Status reports on the use of fiscal resources will be on file and appropriate amendments and reports submitted in a timely manner.
3.11 To coordinate the statewide training network of Special Education and Resource Centers (SETRCs) and to ensure that this network effectively implements designated State Plan training objectives concerning the education of pupils with handicapping conditions.	A - D	DPD	The statewide training network will have successfully achieved the first year training objectives of the Plan.	The SETRC network will have successfully achieved the training objectives of this Plan through the use of appropriate fiscal resources.
3.12 To provide information to local education agency personnel on models, projects and strategies that assist the transition of students with handiapping conditions to post-secondary education, employment or vocational training.	A - D	DPD	Collect, analyze and disseminate information on best practices gleaned from pilot projects, grants and field tests of occupational education curricula.	A comprehensive publication will be available to describe transitional services, cooperative agreements and local education responsibilities.
3.13 To manage the development of in-state residential school programs for developmentally disabled youth.	B - D	DPD	The first three stages of residential school bed development will be completed.	All necessary development of residential school placements for developmentally disabled youth will be completed.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Technical Assistance

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
3.14 To manage the development of a full continuum of services to meet the varied needs of severely emotionally disturbed youth.	B - D	DPD	A written interagency plan to address the needs of severely emotionally disturbed youth will be completed.	The written plan for meeting the needs of severely emotionally disturbed youth will be implemented.
3.15 To provide assistance to LEAs and BOCES in planning for needed special education program space in least restrictive settings.	A - D	DPD DPM	A process will be developed through which the Office of Facilities Management will receive all information needed to determine that proposed facilities development will meet planned programmatic needs.	New construction and renovation of LEA and BOCES facilities will be initiated in accordance with approved programmatic projections for local and regional special education space.

BY INFORMATION DISSEMINATION

Information dissemination activities to meet the goals of this plan have two essential components: the first is development of written materials and second is the comprehensive distribution of such materials throughout the State.

DEVELOPMENT

A number of factors affect the direction of OECHC's efforts in developing written materials. A primary consideration is New York's large diverse population which creates unique demands on an information system. Attention must be given to parents of children from a variety of national origins. Information manuals, such as *A Parent's Guide to Special Education: Your Child's Right to an Education*, are available in English, Spanish, Chinese and French.

Due to the manner in which special education and related services are provided in New York State, there exists a need for special publications and updates to clarify certain issues, roles and responsibilities of those involved. The Office for the Education of Children with Handicapping Conditions publishes *Newsbriefs* on a monthly basis. This periodical reports on current issues and provides readers with information on such things as upcoming training sessions, regulations and policy interpretations.

Special occurrences and developments in the past have created an immediate need for information. Influential court decisions, such as in the matter of *Riley v. Ambach*, required OECHC to develop and disseminate information on a broad scale regarding the identification of children with learning disabilities. In April 1984, the Board of Regents of the State of New York approved final revisions to the Part 200 Regulations of the Commissioner of Education, which resulted in a massive distribution effort throughout the State.

OECHC has worked closely with other SED offices in the revision of syllabi in all subject areas. Due to increased standards required by the Action Plan, syllabi are being revised to reflect these standards. The Action Plan also requires that activities and materials be included in all revised syllabi that provide information to increase awareness of the persons with disabilities. OECHC has worked on syllabi in science, occupational education, music, art, micro computers, English Language Arts, and social studies to include information on the persons with disabilities and strategies to assist teachers when presenting these syllabi.

DISTRIBUTION

There are three strategies currently used by OECHC to assure that school districts and other agencies serving handicapped children receive information. The Division of Program Development has been assigned a major role in this area. An Information and Resource Unit is maintained by the Division. Specialists in this unit have developed a mailing procedure which is designed to insure that those in key positions receive information in a timely manner. As a matter of procedure, school board presidents, superintendents of schools, members of the Board of Regents, members of the Commissioner's Advisory Panel, regional associates in the Division of Program Monitoring, SETRC Directors and training specialists, Committee on Special Education chairpersons, principals, directors of special education and pupil personnel directors receive all informational documents developed. Most selective distribution takes place according to the content of the material developed. Impartial hearing officers, Head Start directors, and college administrators with special education teacher training programs are examples of those individuals targeted for special pieces of information. An *Information Checklist* is available through the Information Unit for the general public to order items of interest.

Another important strategy in place is the existence of the State's training network, SETRC, and the Early Childhood Direction Center, ECDC, network, which are both funded through OECHC. Information dissemination on the local school district level is done through these two networks. The 14 ECDC projects concentrate on the informational needs of parents of preschool handicapped youngsters regarding available services, resources and programs. Each SETRC has a specified objective calling for the dissemination of information to appropriate individuals within their geographic area. This is accomplished mainly through the SETRC's mailing list. Each SETRC receives OECHC publications from the Information Unit and distributes them to appropriate persons on the mailing list and on an individual request basis. Persons interested in receiving OECHC publications should contact the SETRC in their area and request to be placed on the list for mailings.

The third means by which information is distributed to the field is through the on-site training workshops conducted by the Division of Program Development. Commissioner's Regulations and information manuals are provided to participants attending the training sessions. It is through these training sessions and those conducted by SETRC that information on exemplary

model programs and new educational research is disseminated to the field.

During the past three years, over 2,100,000 pieces of information have been distributed throughout the State by the above procedures. The bulk of these documents (nearly 2,000,000 pieces) consisted of copies of State laws and regulations, *A Parent's Guide to Special Education: Your Child's Right to an Education* and the monthly periodicals and memoranda published by the Department.

STATUS REPORT ON FY 1984-1986

APPROACH: Information Dissemination

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
4.1 To distribute information on Federal and State law and regulation and education practices pertaining to children with handicapping conditions, to all requestors.	A - D	DPD	Over 2,100,000 pieces of information dissemination
4.2 To develop information materials needed to educate parents, administrators, and teachers on the education of children with handicapping conditions in the least restrictive environment.	A - D	DPD	5 manuals developed 7 manuals revised
4.3 To distribute copies of the list of approved private schools for children with handicapping conditions.	C, D	DICSS DPD	6,000 copies of the annually updated list of approved private schools were disseminated.

CONTINUING NEEDS FOR INFORMATION DISSEMINATION

During the past school year, a major activity of OECHC has been to inform the public of laws, regulations, guidelines and policies governing the education of handicapped children. Although the task is accomplished by all Divisions through technical assistance, training and monitoring efforts, the Division of Program Development has the main responsibility for information development and dissemination.

Last year the Division's efforts were placed on revising existing manuals to reflect current laws and regulations, especially the new Part 100 Regulations, which effect special education. These publications will be subject to continuing review and revision so as to be consistent with current and future State Education law, regulation, and policy. All publications, revised or newly developed, will include information that clearly reinforces for parents and school districts the requirement that all appropriate evaluations and examinations, including those by specialists in discreet areas, are provided, as needed, to accurately determine the full range of a student's educational needs.

A continuing need in this area is the development of informational documents which focus on the programmatic aspects of special education. Topics to be covered through new developments include:

- equivalency of instruction provided in special class programs;
- secondary programming and the transition from school to work; and
- managing special classroom and resource room programs and related services.

With growing populations throughout the country, there is a continuing need for information in other languages. OECHC will continue to meet the needs of Chinese and Spanish-speaking residents and will make information available in other prevalent languages, including French, to serve the special groups in New York State.

It will also be necessary to insure the distribution of all revised syllabi to special educators throughout the State. As revised syllabi are field tested, it will be important to insure that special educators are mailed the syllabi and included in the field test.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Information Dissemination

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
4.1 To disseminate information about Federal and State laws and regulations and other materials related to the education of pupils with handicapping conditions to all requestors.	A - D	DPD	Current information on Federal and State laws, regulations and OECHC publications will be disseminated in a timely manner to individuals in the field and in-house staff.	All informational documents will be disseminated in a timely manner through the State's mailing procedures.
4.2 To develop information materials needed to educate target groups about educating pupils with handicapping conditions in the least restrictive enviornment.	A - D	DPD	Existing OECHC publications will reflect both Parts 200 of the Commissioner's Regulations and new materials will be designed to educate target groups of individuals.	All OECHC publications will be consistent with Federal and State laws and regulations will be developed based on the identified needs of various target groups.
4.3 To prepare and distribute copies of the Commissioner's list of approved private schools for children with handicapping conditions.	A - D	DICSS	2,500 copies of the Commissioner's list of approved private schools will be disseminated statewide.	2,500 copies of the Commissioner's list of approved private schools will be disseminated to the public each year.
4.4 To disseminate information about revised State syllabi and field test initiatives to special educators.	A - D	DPD	Through coordination with the Office for Education Planning and Support Services, revised syllabi will be disseminated to special educators.	Special educators will consistently receive revised State syllabi for content areas appropriate to the subjects they teach.

BY DIRECT SERVICE
STATE-OPERATED SCHOOLS

The New York State Education Department operates two schools for severely handicapped children: the School for the Blind located in Batavia, New York, and the School for the Deaf in Rome, New York. Within the OECHC, the Division of Program Monitoring has the main responsibility for ensuring that these schools operate according to SED procedures.

Historically, these schools were established to provide traditional education and residential services for children who were deaf or blind and were of "normal" intelligence. Over the past ten years, the nature of this population has changed for a number of reasons.

Least restrictive environment became an important consideration throughout the nation for educating children with handicapping conditions. The New York State Board of Regents, in response to the least restrictive environment requirement of P.L. 94-142, changed the direction of the State-operated schools. A shift in pupil population from "normal" blind or deaf students to severely multiply handicapped students has occurred, creating a need for change in educational programs, services and personnel.

In its efforts to meet these needs, the Division of Program Monitoring has established a new direction for the Rome and Batavia programs.

The State's School for the Blind has been reorganized to meet the needs of children requiring intensive special education services.

The program has been expanded to include further development of:

- pre-vocational programs, independent travel skills, communication skills and socialization skills,
- a Resource Center in the areas of special materials distribution and inservice training,
- an intensive six-week summer school program for blind pupils who do not attend their local school during the regular school year, yet need a program to reinforce the skills necessary to be successful in their home school district.

The State's School for the Deaf exists primarily to provide educational services and five-day residential care to profoundly deaf and multiply handicapped children ages 3 – 21 years. Teaching and learning occur in four programs: Lower; Elementary; Steps Toward Educating People for Survival (STEPS); and Accredited High School. Within these program areas, there are deaf pupils with learning disabilities beyond those normally connected to deafness itself. The curriculum includes the basic academic areas of language, reading, math, science and social studies, in addition to special subjects, such as physical education, art, music, dance and pre-vocational education.

Recent developments at the School for the Deaf include:

- a diagnostic prescriptive service for hearing impaired youth in local public schools; and
- a cooperative program with a local developmental center to place deaf-mentally retarded pupils in the community.

The provision of a free appropriate public education to a pupil at a State- operated school is made with considerable attention given to the least restrictive environment concept and procedural due process. The State Education Department assures parental involvement, beginning at the time of application for appointment to such schools and continuing throughout the pupil's evaluation and placement. The evaluation team of the school, in cooperation with parent, is responsible for the development of the pupil's IEP and for the provision of all services. The State-operated schools do not arrange for services through other agencies for any pupils enrolled in the schools. Currently, of the 210 pupils receiving direct services through State-operated schools, 68 are classified as deaf, 10 are visually impaired and 132 are multiply handicapped.

Section 200.7 of the Regulations of the Commissioner of Education delineates the procedures for operation, administration and appointment to the State-operated schools. (Appendix A: ED. L.112; Appendix B: CR 200.7(b))

STATUS REPORT ON FY 1984-1986

APPROACH: Direct Service - State-Operated Schools

OBJECTIVES	GOAL AREA ADDRESSED	DIVISION(S) RESPONSIBLE	ACCOMPLISHMENTS
5.1 To review and approve Commissioner's appointments to State-operated schools.	A,B,D	DPM	All applications for appointment and progress reports for continuation in State-operated schools were reviewed in a timely manner.
5.2 To provide direction to the State-operated schools to comply with SED operating procedures.	A - D	DPM	SED procedures have been applied with modifications appropriate to meet the needs of children enrolled in the State-operated schools in accordance with court mandates.
5.3 To review and recommend staff changes, additions to program components, according to budget requests.	B,C,D	DPM	The State-operated schools have been provided recommendations in this area.

CONTINUING NEEDS FOR DIRECT SERVICES – STATE-OPERATED SCHOOLS

The provision of direct services through State-operated schools will remain an approach to insure that all handicapped children are placed in the least restrictive environment. With increasing numbers of multiply handicapped pupils requiring medical and therapeutic services, the need exists for continued development of the State-Operated Schools.

The newly formed Division of State-Operated Schools will provide the direction for educating the more severely handicapped children enrolled in these schools.

Plans for increasing the scope of services provided by the Resource Center at Batavia have been initiated to include a Diagnostic and Evaluation Unit as a service to the educational community.

SERVING CHILDREN WITH HANDICAPPING CONDITIONS
FISCAL YEAR 1987-1989

BY: Direct Service

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	BY JUNE 1989
5.1 To review and approve Commissioner's appointments to State-operated schools.	A, B, D	DPM	All applications for appointment to and progress reports for continuation in State-operated schools will be reviewed in a timely manner.	Children meeting criteria for appointment to State-operated schools and those demonstrating acceptable progress in these programs will be maintained in such schools.
5.2 To provide direction to the State-operated schools to comply with SED operating procedures.		DPM	The State-operated schools in Rome and Batavia will operate according to SED procedures.	SED procedures will be modified as appropriate to meet the needs of children enrolled in the State-operated schools.
5.3 To review and recommend staff changes and additions to program components, according to budget requests.	B, C, D	DPM	Recommendations for changes in managing the State-operated schools will be made in accordance with budget requests.	The State-operated schools will be operating within budget guidelines.

BY FUNDING

ALLOCATION OF LOCAL, STATE AND FEDERAL FUNDS FOR THE EDUCATION OF ALL HANDICAPPED CHILDREN

In New York State, the costs of providing a free appropriate public education to children enrolled in the public school system are met from several sources. These are:

- local school district property tax revenues,
- state aid in the form of general operating expense aid and excess cost aid, and
- federal aid through a variety of Federal Assistance to the State's Programs for the purpose of supplementing the State's efforts to fully serve handicapped children.

The State Education Department, in cooperation with the legislative and executive branches of State government, is responsible for distributing special State and Federal dollars to which local and State education agencies are entitled for the education of handicapped children.

LOCAL AND STATE FUNDING OF PUBLIC SCHOOL PROGRAMS FOR CHILDREN WITH HANDICAPPING CONDITIONS

Each year local school districts raise local property tax revenues to meet budgeted program costs. The amount of tax revenue required is determined by subtracting the total state aid received for prior year expenditures from the total costs of each next budget year. The difference determines how much local tax revenue is needed.

Article 73 of the Education Law, amended each year by action of the Legislature through the Local Assistance Appropriation Act, provides for general operating and transportation aid to local districts according to a formula which depends upon the district's expenditure per pupil in attendance. All pupils, including handicapped children, are counted for purposes of calculating the district's general aid reimbursements.

In order to provide additional aid for the excess costs of educating handicapped children in local school district or BOCES programs, the Local Assistance Appropriation Act allows local districts to assign additional weighting to the pupil count of each handicapped child. This additional weighting is determined by the level of service which is provided these children as follows:

- A handicapped child who received special education for at least two 30 minute periods per week, but less than 20 percent of each week, may be counted as 1.13 pupils in attendance for purposes of claiming general and excess cost aid.
- A handicapped child who received special education for at least 20 percent of each week, but less than 60 percent of each day, may be counted as 1.9 pupils in attendance for purposes of claiming general and excess cost aid.
- A handicapped child who received special education for 60 percent or more of each day or who is receiving home or hospital instruction for at least 60 consequentive days may be counted as 2.7 pupils in attendance for purposes of claiming general and excess cost aid.

The excess costs resulting from local districts having to provide for the education of handicapped children by contract with private schools are aided by the State by a special formula. Also, special excess cost aid formulas are provided to protect districts from the impact of unusually high-cost, low-incidence-program placements. These special formulas are described in Section 4405 and 3602 of the Education Law.

The following chart reports the history of local and state sharing of the costs of special education for programs incurred by local school districts and the state since the 1982-1983 school year.

Table 2: LOCAL DISTRICT AND STATE FUNDING FOR HANDICAPPED CHILDREN, 1982-83 THROUGH 1984-85

School Year	Local Funds (% of total)	Basic State Aid	Excess Cost Aid Public	Excess Cost Aid Private	State-opp., State-supp. and other	Transportation Aid	Total Local & State
1982-83	915,300,000 (53.4)	241,100,000	327,000,000	33,000,000	54,700,000	144,300,000	1,715,400,000
1983-84	1,090,800,000 (54.0)	283,100,000	396,400,000	33,600,000	61,700,000	153,200,000	2,018,800,000
1984-85	1,157,500,000 (52.8)	321,400,000	446,500,000	35,700,000	64,700,000	167,300,000	2,193,100,000
PROJECTED 1985-86*	1,215,400,000 (52.1)	342,600,000	497,900,000	36,400,000	71,100,000	175,700,000	2,339,100,000

COUNTY AND STATE FUNDS FOR EARLY CHILDHOOD AND SUMMER SCHOOL PROGRAMS

In New York State, the provision of special education programs and services to children below the age of five years and to any handicapped children who require services during the summer months of July and August is a responsibility of the counties in which these children reside rather than of the public school system. Early childhood and summer programs are provided by order of a county Family Court in response to petitions filed on behalf of each individual child to be served. County costs which are approved by the State for purposes of providing these programs are shared equally by the State and county; the county pays the total cost and then receives up to 50 percent State aid reimbursement for the State approved costs.

The Office for Education of Children with Handicapping Conditions is responsible for reviewing the particulars of each pending court order and approving costs for purposes of State aid reimbursement to the counties.

The following chart reports the history of county and State sharing in the costs of early childhood and summer programs afforded by the Family Court order and approved by the State since the 1983-84 school year.

TABLE 3: COUNTY AND STATE FUNDS FOR PRESCHOOL AND SUMMER PROGRAMS ORDERED BY THE FAMILY COURT, 1983-84 THROUGH 1985-86

School Year	County Funds	State Funds	Total Funds By Court Order and State Approval
1983-84	$ 74,500,000	$74,500,000	$ 149,000,000
1984-85	89,000,000	89,000,000	178,000,000
1985-86*	60,284,000	60,284,000	120,568,000
1985-86 PROJECTION	**$ 98,000,000**	**$98,000,000**	**$ 196,000,000**

*Approvals reported as of April 1, 1986.

FEDERAL FUNDING – DISTRIBUTION OF FUNDS AVAILABLE THROUGH FEDERAL GRANTS TO THE STATES

The Office for Education of Children with Handicapping Conditions has the following continuing responsibilities for acquiring and distributing state and federal monies for the education of children with handicapping conditions:

- ensuring that public and nonpublic schools provide an appropriate education to pupils with handicapping conditions through compliance with the requirements of federal and state statutes and regulations for use of fiscal resources;
- to making federal funds available to New York from:
  - discretionary and flow through provisions of the Education for All Handicapped Children Act (P.L. 94-142),
  - Education Consolidation and Improvement Act Funds (commonly called P.L. 89-313 funds), to local education agencies, state- operated and state-supported schools, and successful grant competitors;
- ensuring that entitlement monies are allocated in accordance with established priorities and regulatory provisions by reviewing grant applications and ensuring the entitlement of all federal reimbursements;
- approving and disbursing funding for special education placements under Section 4406 of the Education Law (Procedures through Family Court for preschool and summer school programs).
- Supervising and coordinating the administration of federal and state aid and grants provided to the Office for the support of programs for handicapped children, training of instructional and support staff and information dissemination.

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, EHA, PART B FUNDS

This act provides Federal funds to the State for purposes of supplementing the education of children with handicapping conditions in Local Educational Agencies (public schools). The funds support supplemental special education services that represent excess costs (above and beyond the per-pupil cost of educating all students in the district). Federal funds cannot supplant local and State funds. Before Federal funds can be used to supplement the special education of pupils with handicapping conditions in areas of priorities, State and local funds must be used to support special education services comparable to those offered other handicapped students in the district.

EHA, Part B grants are available to Local Educational Agencies, including public school districts, Boards of Cooperative Educational Services and eligible State agencies.

Seventy-five percent of the total Federal grant to New York State flows through to local educational agencies as entitlement grants based on December 1 counts of eligible pupils with handicapping conditions. Twenty percent of total Federal grant to New York State represents State set- aside funds to be used by the State Education Department to address State priorities as outlined in the State Plan required under Public Law 94-142. Some of these funds are awarded as local assistance grants. The remaining five percent is retained by the State for purposes of administering the State grant program.

Proposal Announcements: April of each year.

Deadline for Submission: By July 1 of each year.

Grants Awarded: By September 1 of each year.

Program Administered By: Office for Education of Children with Handicapping Conditions, Room 1073 – EBA, State Education Department, Albany, New York, 12234.

OECHC Units Involved: Division of Supervision (Regional Offices), Division of State-operated Schools, Division of Program Development and Division of Interagency Cooperation and Support Services.

LEA APPLICATIONS FOR EHA, PART B FUNDS

Seventy-five percent of EHA Part B funds allocated to the State are passed on to local educational agencies and to the New York State Division for Youth to assist them in serving their enrolled handicapped children. Each year, LEAs are notified of their individual entitlements based upon their previous years count of eligible children. Upon approval of a submitted claim, the LEAs are notified of their entitlement award (Appendix C: Letters of Notification). Entitlements may be claimed by submitting a grant application containing the following:

- an overview of project goals, services and staffing to show how funds will be used to supplement the applicant's special education plans to meet their full educational opportunity goals;
- a description of the number of handicapped pupils expected to benefit from project activities by disability category, age range and location in public or nonpublic schools;
- a description of the extent of parental participation or

consultation in the development of the agency's special education plan and/or the proposed project;

- a report of FTE special education positions funded by other than Federal funds and by the proposed project;
- assurances as required under the Act; and
- a budget describing how the funds will be used to support projected resources.

HEARING ON LOCAL EDUCATIONAL AGENCY APPLICATION TO SPEND EDUCATION FOR ALL HANDICAPPED CHILDREN ACT FUNDS

The local education agencies' claims for "flow through" funds are reviewed and approved or disapproved by the Office for Education of Children with Handicapping Conditions. If an application is recommended for disapproval, an LEA may depend upon the following system for appeal:

- Written notice will be sent to the applicant for receipt at least 30 days prior to actual disapproval. The notice will contain a statement of the reasons for pending disapproval and corrective actions to be taken. The notice will also describe the applicant's opportunity to obtain a hearing as follows.
- Within 30 days of the date of receipt of the notice, the applicant may request a hearing before the Assistant Commissioner, Office for Education of Children with Handicapping Conditions (OECHC).
- If requested, OECHC shall arrange for such a hearing to be conducted within 30 days of receipt of the request.
- Within 10 days following the hearing, the Assistant Commissioner shall issue a written ruling which includes the finding of fact and reasons for either rescinding or sustaining the recommended disapproval.
- If the action is not rescinded, the applicant may appeal to the United State's Secretary of Education, the notice of which must be filed with the Secretary by the applicant within 20 days of the State Education Department's notice of its findings.

RECOVERY OF FUNDS FOR MISCLASSIFIED OR MISCLAIMED CHILDREN

In New York State, there are procedures for recovering funds which were used to provide services to children who were not eligible to receive aid through the Education for All Handicapped Children Act.

Only public schools receive money from the Education for All Handicapped Children Act. (Part B of the Education for the Handicapped Act). Also, children who are receiving assistance under certain other federal programs may not be counted for EHA, Part B claims. New York State's procedure for recovering funds granted for misclaimed children are initiated as a result of audit, monitoring or complaint investigation. When it is determined that an LEA has been granted funds for children not properly identified, evaluated, placed or counted for EHA, Part B assistance, the Division of Interagency Cooperation and Support Services notifies the subgrantee of its pending reduction in its entitlement account and of the need to terminate a portion of its approved project by amendment. In the event that it is determined from a final expenditure report that misclaimed funds have been spent by an LEA, the State Education Department will disallow that portion of misclaimed funds and withhold final payments up to that amount and, if necessary, request repayment of the balance of misspent funds. Cases of failure on the part of an LEA to return misclaimed or misspent funds will be referred to the State's Attorney General for recovery.

USE OF EHA, PART B FUNDS

An overview of the State's approach to funding programs and services for children with handicapping conditions found on pages 88 through 93 of this Plan. The following pages present a more detailed picture of the State's use of EHA, Part B funds and present annual projections of their use for FY 1986-87.

FEDERAL FUNDING – DISTRIBUTION OF FUNDS AVAILABLE THROUGH FEDERAL GRANTS TO THE STATES

Table 4 below, details how EHA Part B Funds have been used in the past and the projected amount for use in 1986-87. Tables 4-1, 4-2 and 4-3 add to this detail to provide a more complete understanding of how EHA, Part B funds are to be used during the next three years.

Table 4: DISTRIBUTION OF FEDERAL EHA, PART B FLOW THROUGH, DISCRETIONARY AND ADMINISTRATIVE ALLOCATIONS TO NEW YORK STATE, 1983-84 THROUGH 1985-86 AND PROJECTED FOR FY 1986-87

School Year	Number of Children Counted*	Flow Through Funds Per Pupil**	Total Actual Allocation	Actual Distribution of Allocation		
				Flow Through (at least 75%)	Discretionary (20% Max.)	Administration (5% Max.)
ACTUAL						
1983-84	234,314	186.54	58,056,431	43,565,485	11,588,124	2,902,822
1984-85	244,114	193.14	62,865,029	47,094,885	12,558,636	3,139,659
1985-86	250,826	204.00	68,111,319	51,083,490	13,622,263	3,405,566
PROJECTED						
1986-87	253,000	204.00	68,816,000	51,612,000	13,763,200	3,440,800

* Handicapped children served in public schools and reported each prior year for purposes of claiming EHA, Part B allocations.
** To the nearest whole dollar.

Table 4-1: THE DISTRIBUTION OF EHA, PART B FLOW THROUGH FUNDS (75% PERCENT OF GRANT) TO PUBLIC SCHOOL DISTRICT PROGRAMS, PROJECTED FY 1988-89

Number of LEA Projects	Actual FY 1986	Actual FY 1987	Projected FY 1988	Projected FY 1989
Number of Local Education Agencies (LEAs) Awarded non-consolidated grants	451	501	501	501
- Percent of LEA's	84.3%	86%	86%	86%
Number of Consolidated Grants	84	84	84	84
- Number of LEA's	154	183	183	183
- Avg. Number LEA's/Con-Grant	1.8	2.2	2.2	2.2
Number of Direct Service Projects Conducted by State Under Section 300.360, using EHA, Part B Funds	0	0	0	0

Table 4-2: USE OF EHA, PART B DISCRETIONARY FUNDS (20 PERCENT OF MONIES RECEIVED), PROJECTED FOR FY 1987-89.

Project Area	Plan Objectives	Number of Projects FY 1986	Projected FY 1987	Projected FY 1988	Projected FY 1989
Special Education Training and Resource Center Network Support	See pp. 132-134, 141-144, 150	46	45	45	45
Early Childhood Direction Center Network Support-Parent Training	See pp. 133, 141-144, 150	14	14	14	14
Training Impartial Hearing Officers	See p. 132	2	2	2	2
Training School Administrators	See pp. 133-134	1	1	1	1
Training Special Education Teachers	See pp. 132-134	0	0	0	0
Alternative School Planning		0	3	3	3
Training Committee on Special Education Personnel	See p. 132	6	6	6	6
Training on Other State Agency Personnel	See p. 134	2	2	2	2
Part 200.6 Inservice Training		1	0	0	0
Training Urban Decision Makers		1	0	0	0
Projects for Identifying and Serving Troubled and Jailed Youth Thought to be Handicapped	See pp. 134, 141-144	0	0	0	0
Improved Text Book Services		1	1	1	1
Development of and Provision of Support Services to Computerized Data Management on IEP Systems		1	1	1	1
Basic Skills		1	0	0	0
Young Handicapped Inmate Classification Program		1	0	0	0
Serving Handicapped Children with Limited English Proficiency	See p. 133	1	1	1	1
Standardized Curriculum for Handicapped		0	0	0	0
Cooperative Delivery Service Model	See p. 143	6	9	9	9
Prevocational Consortium Project		1	1	0	0
Alternative Service Delivery Project	See p. 33	0	0	3	3

*To supplement EHA, Part B, Section 619 Allocations.

STATE ADMINISTRATIVE AND SUPPORT PERSONNEL

The combination of EHA Part B Discretionary and Administrative monies represents the 25 percent of the State's allocation which may be used for administrative and support activities. Table 4-2 on the previous page reports the various projects conducted by the State or granted to local and regional education agencies. Table 4-3 on the following page reports the State's plan for using these monies for State personnel needed to carry out these administrative activities and support services projects. Listed below are the administrative and support activities which these personnel will carry out. The third column in Table 4-3 identifies by code number the continuing activities of State personnel to be funded by EHA, Part B administrative and discretionary funds.

ACTIVITY CODE

01 *Administrative Direction* – Activities related to internal program management and supervision which provide general program direction.

02 *Monitoring, Evaluation and Auditing* – Activities related to: a) regulatory or enforcement functions, b) technical assistance, c) the administration of grants, either State or Federal, allocated by or through the Education Department, and d) field audits, rate setting analysis, accounting and bookkeeping functions.

03 *Dissemination* – Activities related to the distribution of information to the various clientele served by the Department through workshops, exhibits, conferences, newsletters, other publications, and film productions.

04 *Application Preparation, Review & Approval* – Activities related to the receipt, processing, reading, staff critiquing and filing of proposals for the purpose of approving or disapproving projects. This category includes the development and preparation of State plans, grant applications and related documents.

05 *Training* – Activities related to conducting or arranging for in-service or pre-service training.

06 *Research* – Activities related to scientific inquiry including practical experimentation.

07 *Support Activities* – Activities such as typing, filing, photocopying, etc.

08 *Direct Client Services* – Activities which provide a direct service to clients such as library reference service.

09 *Legislative Activities* – Relates to the review and preparation of legislation and to responses to inquiries from the Division of the Budget, Governor's Office or the Legislature.

10 *Planning and Budget Activities* – Relates to the preparation and revision of program plans and the SED budget.

Table 4-3: USE OF EHA, PART B FUNDS* FOR STATE ADMINISTRATIVE AND SUPPORT SERVICE PERSONNEL**; NUMBER OF POSITIONS PROJECTED FOR FY 1987-89.

Position (Short Title)	Salary Grade	Major Activities Codes - p. 258	Actual FY 1986	Projected FY 1987	FY 1988	FY 1989
Division Director	65	01	1	1	1	1
Supervisor	28	01, 02, 04, 05, 09	12	12	12	12
Associate	26	02, 03, 04, 05, 09	61	61	61	61
Assistant	22	02, 04, 09, 10	11	11	11	11
Ed. Prog. Assist.-II	18	03, 04, 05, 08	3	3	3	3
Senior Accountant	18	02, 06, 10	1	1	1	1
Audio-Visual Spec.	15	03, 04, 05	1	1	1	1
Ed. Prog. Assist/Aide/Trainee	14	01, 02, 03, 05, 08, 10	12	12	12	12
Assist. Accountant	14	02, 10	1	1	1	1
Principal Stenographer	12	07	1	1	1	1
Training Aide	9	07	1	1	1	1
Senior Stenographer	9	07	7	7	7	7
Info. Processing Special. II	9	07	1	1	1	1
Senior Clerk/Typist	7	07	3	3	3	3
Senior Demo	7	07	1	1	1	1
Stenographer	5	07	17	17	17	17
Support Services Assist.(Reader)	5	07	2	2	2	2
Demo	4	07	12	12	12	12
Typist	3	07	4	4	4	4
Clerk	3	07	6	6	6	6

* Authorization - of the funds received for fiscal year 1979, and for each year after FY 1979, 25 percent may be used by the State for administrative and support services.

** Personnel funded under EHA, Part B administrative and support service allocations are funded at 100 percent of salary within grade.

USE OF FUNDS BY THE STATE'S ADVISORY PANEL

The members of the State's Advisory Panel serve without compensation. They are, however, reimbursed for reasonable and necessary personal expenses required to carry out their panel related activities. The activities of the panel are described on page 43 of this document.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT (ECIA), CHAPTER 1 FUNDS PROGRAMS FOR HANDICAPPED CHILDREN, (COMMONLY CALLED 89-313 FUNDS)

This Act provides Federal funds to supplement the education of pupils with handicapping conditions whose education is the direct responsibility of a State agency. Funds also follow the pupil to Local Education Agencies when the pupil has been in the State-operated or State-supported school program for at least one year, is less than twenty-one years of age and is being educated in the Local Educational Agency special education program. The funds support supplemental special education services for eligible students and are to be used to meet the special education needs of these targeted pupils; every eligible pupil must benefit in some way.

ECIA, Chapter 1 grants are available to eligible State agencies, State- operated schools, State-supported nonpublic schools approved under Section 4407, 4402 (2b), 4201, 4202 (a) of the Education Law, State University campus schools, and Local Educational Agencies eligible under LEA transfer provisions and/or Section 4406 preschool court orders.

These funds are allocated on the basis of an enrollment count of eligible handicapped children as of October 1 of previous year. Children cannot be counted for both Public Law 89-313 and Public Law 89-750 (Neglected and Delinquent), nor for both Public Law 89-313 and Public Law 94-142, Education of the Handicapped Act.

Proposal Announcement: April of each year.

Deadline for Submission: By May 30 of each year. *Grants Awarded*: By July of each year.

Program Administered By: Office for Education of Children with Handicapping Conditions, Division of Interagency Cooperation and Support Services, Room 461 – EBA, State Education Department, Albany, New York, 12234, (518) 474-4675.

Other Units Involved: Office for Education of Children with Handicapping Conditions, Division of Supervision (Regional Offices), Division of State- operated Schools, the Unit for School and Categorical Programs Evaluation, and Division of Educational Finance.

The following chart reports the State's ECIA (89-313) allocation for the last three years to programs operated by the State Education Department (SED), the Office for Mental Retardation and Developmental Disabilities (OMRDD), the Office of Mental Health (OMH), the Department of Health (DH), and to local educational agencies (LEA) for children transferring from institutional placements. Projections for the 1986-87 school year are also provided.

Table 5: DISTRIBUTION OF ECIA, CHAPTER 1, HANDICAPPED CHILDREN PROGRAM FUNDS (COMMONLY CALLED 89-313), 1983-84 THROUGH 1986-87

School Year	Number of Children Served	89-313 Funds per child	Total 89-313 Allocation	Distribution of "89-313" Funds				
				SED	OMRDD	OMH	DH	LEA
1983-84	30,220 (11,204 LEA)	693.24	20,949,716	11,799,638	641,942	731,320	9,205	7,767,061
1984-85	35,892 (10,278 LEA)	684.00	24,459,678	13,654,692	566,029	836,381	15,058	9,356,436
1985-86	38,207 (12,403 LEA)	679.00	26,346,503	16,294,642	433,052	799,215	13,102	8,421,637
1986-87 PROJECTION	**40,000 (15,000 LEA)**	**675.00**	**27,000,000**	**15,635,000**	**425,000**	**800,000**	**15,000**	**10,125,000**

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, PART B, SECTION 619 (EHA, PART B, 619)

PRESCHOOL INCENTIVE GRANT PROGRAM

This grant program enables the provision of funds to Boards of Cooperative Educational Services and other school agencies operating Early Childhood Direction Centers (ECDCs) to assist parents and professionals in matching the needs of preschool children with handicapping conditions to services available in their respective regions. Grants are made through the State's ECDC Network.

Grants Awarded: July 1 – September 30 of each year.

Program Administered By: OECHC, Division of Program Development, Room 1071 – EBA, State Education Department, Albany, New York, 12234, (518) 474-4132.

The purpose of the ECDC network is to assist parents and professionals in matching the individual needs of young handicapped children to services within their regions. Parents or guardians of handicapped children ages birth to five, local school districts, hospital programs and other agencies can all request assistance from the Direction Centers in linking handicapped children birth to five to services. Direction Centers report children identified as handicapped to local Committees on Special Education, upon parental consent, to assist school districts in keeping accurate census records and planning for programs. Direction Centers also refer parents and professionals who require training to the State's network of Special Education Training and Resource Centers. In this way, funds being used to support both the Direction Center and the SETRC network are used to their fullest extent.

The Network consists of 14 centers located in public or private agencies throughout the State. Financial support is provided through the State's granting of funds upon application by the individual centers. Federal monies available to the State through the EHA Part B Discretionary and/or Preschool Incentive Grant funds are the fiscal resources used to support this Network.

Centers in the Network are located in public and private education agencies, medical institutions and a university. Each Direction Center is staffed by one or more full time coordinators employed by the sponsoring agency.

The following information highlights items for comparison of ECDC project activities over the past three years.

	82-83	*83-84*	*84-85*
– Number of Requests for Information mation by Parents	8,088	7,751	7,753
– Number of Requests for Information by Professionals	13,631	9,862	14,017
– Number of Handicapped Children Ages 0-5 Whose Parents were Assisted with the Family Court Process	416	432	289
– Number of Children Referred to CSEs	1,292	1,065	978
– Number of Parents Given Assistance	4,563	5,512	5,396
– Number of Parents Referred to SETRC	2,047	1,549	1,724
– Number of Referrals from Regional Perinatal Centers	2,718	3,672	3,890
– Number of Children Matched to Services	4,470	4,982	5,480
– Average Cost of Direction Services Per Child (Based on number of children matched to services)	$233	$219	$219

In comparing the figures for the ECDC network for 1983-84 and 1984-85, more children were matched to services during the most recent time period, representing an increase of approximately 10% from the previous year. More parents and professionals requested information from the network during 1984-85 than in any previous year, representing an increase of 23.61% over the 1983-84 level.

A crucial item to review is the average cost of direction services per child matched. During 1983-84 and 1984-85, the average cost per child matched to services remained constant at $219.86, a decrease of 6% ($14.00) over the average cost per child during 1982-83. This is an indication ofthe cost effectiveness of services provided by the network.

Referral agreements continue to be required between the SETRC and ECDC networks in order to maximize the use of State funds and provide complimentary services to the preschool handicapped population. This facilitated the referral of more parents of young handicapped children to SETRC for training.

Referral from the Perinatal Centers increased over 6during 1984-85 compared to the 1984 level. This was 43more than during 1983. This points to the benefits of developing agreements with the Perinatal Centers so that an increased number of handicapped children can be integrated into the service delivery system at an earlier age.

The ECDC network has continued to refer children to local Committees on Special Education, upon parental consent, at approximately the same level.

The ECDC network is a vital source of information, as indicated by the number of requests made by parents and professionals on a variety of topics.

The following chart reports the distribution of EHA, Part B, 619, Preschool Incentive Grant funds to these direction centers.

Table 6: DISTRIBUTION OF EHA PART B - SECTION 619 PRESCHOOL INCENTIVE GRANT FUNDS TO ECDC CENTERS, 1983-84 THROUGH 1985-86

To Center in:	Number of Counties	School Year 1983-84*	1984-85*	1985-86** Projected
1. Buffalo	6	$27,600	$44,188	$ 95,140
2. Rochester	11	59,690	92,486	94,100
3. Albany	11	23,647	36,652	88,620
4. Syracuse	9	27,860	43,172	93,182
5. Malone	5	16,330	25,299	70,747
6. Binghamton	6	16,820	26,067	72,226
7. Kingston	4	19,320	29,932	79,673
8. Westchester	3	23,650	36,652	88,620
9. Suffolk	1	25,620	39,706	94,505
10. Nassau	1	23,650	36,652	88,620
11. Queens (NYC)	1	23,650	36,652	88,620
12. Brooklyn (NYC)	2	52,910	82,067	168,125
13. Manhattan (NYC)	1	28,920	44,816	96,350
14. Bronx (NYC)	1	31,344	48,527	103,500
15. Support and other Activities	SEA	146,994	146,678	213,741
Total	**62**	**$548,065**	**$769,546**	**$1,629,869****

*Additional project funds were provided through EHA, Part B, Discretionary Funds.
**This includes funds available from 2 different grant years.

AMERICAN PRINTING HOUSE FOR THE BLIND FEDERAL QUOTA ALLOTMENT

These funds provide a system for obtaining special education, instructional materials and equipment for the education of the legally blind (preschool to adult-in-training) enrolled in formal education programs, private, public or nonprofit. Individuals who qualify as legally blind have central visual acuity of 20/200 or less in the better eye after correction, or a field of vision restricted to a 20-degree arc. Teachers, parents or school personnel may request materials available in the APH catalog for individual children on an annual basis.

The funds support the American Printing House Federal quota program, mandated under the Federal Act of 1879 to Promote Education of the Blind. Federal allotment varies annually and is approximately $110.00 per capita, depending upon Congressional appropriations.

An annual registration is the official basis of the APH quota allotment. This registration is conducted during November and December of each year and individuals must be registered annually with the Division of Program Development in order to be eligible for materials:

Program Administered By: Division of Program Development, Room 1071 – EBA, State Education Department, Albany, New York 12234.

Table 7: **NEW YORK STATE'S ALLOTMENT UNDER THE FEDERAL APH QUOTA PROGRAM 1983-84 THROUGH 1987-88**

School Year	Number Registered	Allotment Per Registrant	Total Allotment
1983-84	2,121	$113.50	$240,736.00
1984-85	2,272	$113.28	$257,384.00
1985-86 (Est.)	2,155	$110.00	$237,050.00
1986-87 (Est.)	2,150	$107.00	$230,050.00
1987-88 (Est.)	**2,150**	**$104.00**	**$223,600.00**

BY: Funding

OBJECTIVE	GOAL AREA	DIVISION RESPONSIBLE	EXPECTED RESULTS BY JUNE 1987	EXPECTED RESULTS BY JUNE 1989
6.1 To supervise and coordinate the administration of Federal and State aid and grants provided to the Office for the support of programs for handicapped children, training of instructional and support staff and information dissemination.	B, C, D	DPD DICSS	All Federal and State funds provided to the Office for educating handicapped children will be allocated to appropriate agencies and utilized according to their mandated fiscal use.	All Federal and State funds will be allocated and utilized according to their intended use.
6.2 To assure that public and nonpublic schools provide an appropriate education to pupils with handicapping conditions through compliance with the requirements of Federal and State statutes and regulations for use of fiscal resources.	A - D	DPM	All fiscal resources marked for educating handicapped children will be used in compliance with Federal and State law and regulations.	Public and nonpublic schools use ' of fiscal resources for educating handicapped children will comply with Federal and State law and regulations.
6.3 To make Federal funds available to New York from: • discretionary and flow through provisions of the Education for All Handicapped Children Act (P.L. 94-142). • P.L. 89-313 to local education agencies State-operated and State-supported schools, and successful grant competitors. • Preschool Incentive Grant Program Funds. • American Printing House for the Blind Allotments	C, D	DICSS DPD	New York State's allocation of Federal dollars will remain at a percentage rate consistent with the past three years.	New York State's allocation of Federal dollars will remain at a percentage rate consistent with the past three years.
6.4 To continue implementation of a computerized system (STAC) for approving funding for special education placements for pupils with handicapping conditions in programs administered by OECHC.	C	DICSS	A computerized system (STAC) for approving funds for special education placements under Sections 4406; 4204-a; 4201; 4402; and 4407 and public placements under Chapters 47; 66; 721; and 786 (Excess High Cost) will be completely operational.	The computerized system (STAC) for approving funds will continue to be operational. In addition, the STAC system will be linked to State Aid.

DATA

LOCATION, IDENTIFICATION, EVALUATION AND PLACEMENT OF HANDICAPPED CHILDREN

The location, identification and evaluation of children with handicapping conditions is the responsibility of the State Education Department, delegated to each local school district's board of education and to each other State agency responsible for the care of children or the operation of a school. Several statewide activities are conducted by the Department to maintain the State's continuing child identification effort.

The required CENSUS of all children residing in the district is one means for locating children with handicapping conditions. This census is conducted at least once every two years by individuals trained in the procedures and regulations regarding confidentiality of personally identifiable data. The census report of all handicapped children, birth to twenty- one years of age, includes whether these children are being educated in the district's public schools or, if not, where they are receiving educational services. All information pertaining to handicapped children must be filed annually with the superintendent of the supervisory district on or before October 15, with a record of census maintained by each school district. (Appendix A: Ed.L. 3240, 3241, 3242, 4403(1).)

Another way the State provides for the location, identification and evaluation is by a mandated screening of all new entrants to the public school system and of those pupils who perform below minimum standards on statewide tests. Each school district is responsible for screening all new entrants by December 1 of each school year. The diagnostic screening must be conducted by persons appropriately qualified or trained in the administration of instruments and regulations regarding confidentiality of personally identifiable data. School district staff are responsible for referring all pupils who may have a handicapping condition to the Committee on Special Education within 15 calendar days after the diagnostic screening. (Appendix B: CR 117)

The REFERRAL of a child thought to be handicapped to the district's Committee on Special Education is still another means for identifying children with handicapping conditions. (Appendix A: Ed.L. 4402; Appendix B: CR 200.4). The steps involved in the referral process have been the focus of a statewide public awareness program for identifying handicapped children. This program includes the distribution of easy to read pamphlets in various languages and a series of "CAPSULAS" to be shown through the Spanish Information Television Network.

Information gathered through the district's census records, and screening and referral procedures is recorded in a REGISTER of all handicapped children which is required to be kept by each school district and maintained by the committee on special education. Section 200.2 of the Regulations of the Commissioner (Appendix B: CR 200.2) prescribes the following information which must be maintained in the register for each child so identified and located:

- Data requirements:
  - Procedures must be designed to record the following types of data on each pupil:
    - pupil's name, address and birthdate;
    - pupil's parents' names, address(es), and the dominant language of the pupil's home;
    - dates of referral, evaluation, recommendations of the committee on special education, actual placement, and annual program reviews;
    - site where the pupil is currently receiving an educational program; and
    - if the pupil is not receiving an appropriate public education, the reason shall be described.
  - The data must be organized so that it can readily be determined whether each pupil is receiving an appropriate public education, a partial education or no education at all.
- All persons involved in the collection of data must have received prior training and written information regarding the procedures to be followed in collecting the data.
- The reporting of data must be conducted in accordance with the following policies and procedures:
  - School districts must prepare, and keep on file, summary reports of pupil data, including numbers of pupils who are:
    - unserved and the reasons they are unserved; and
    - served.
  - A summary report of the pupils served must be submitted by local school districts to the State Ed-

ucation Department on prescribed forms (PHC-1 and other forms).

- Each school district, with the exception of cities with 125,000 or more inhabitants, must report the number of pupils with handicapping conditions to the district superintendent of the supervisory district in which the district is located, by the first of October of each year.
- Schools subject to the provisions of articles 81, 85, 87 and 88 of the Education Law and Chapter 1060 of the Laws of 1974 must keep their own census of pupils, and submit data directly to the commissioner. (Appendix A)

The responsibility for locating, evaluating and identifying handicapped children in New York State is shared with public and private agencies operated or supervised by the Division for Youth (DFY), Department of Social Services (DSS), Office of Mental Health (OMH), Office of Mental Retardation and Developmental Disabilities (OMRDD) and the Department of Correctional Services (DCS). Education Law, section 4005, and Chapter 721 of the Laws of 1979 provide a system for the evaluation and placement of children thought to be handicapped and being considered for placement in a child care institution, residential treatment facility or an intermediate care facility. Schools operated or supervised by DSS, DFY, OMRDD and OMH maintain Committees on Special Education which are responsible for the evaluation and identification of children thought to be handicapped. Since school districts can not directly place handicapped children in an OMH or OMRDD facility, it is the facility's committee that is responsible for the evaluation and development of an IEP for such children. The facility evaluates children upon placement into the facilities and upon referral of children currently residing in such facilities.

NEW YORK STATE'S BASIC EDUCATION DATA SYSTEM

By December 15 of each year, school districts and agencies are required to submit to the State Education Department summary reports of the number of handicapped children served. The information must reflect the actual number of children served, as of December 1 of the reporting year. The forms by which this information is reported are called:

- PHC-1- -(Part A) which reports the number of school age handicapped pupils by type of service, location and handicapping condition, and
- PHC-1- -(Part B) which reports the number of handicapped pupils in public school programs (in the district, or neighboring public district or a BOCES program) by age group and handicapping condition. This report is the basis for allocation of Federal EHA, Part B funds to the public schools of the State.
- Form 869 – Annual Count of Eligible Handicapped Children in Schools Operated or Supported by State Agencies (See Appendix C for copies of these forms).

The data from these forms are filed in a computer by State Education Department personnel and are available for various State reporting and planning purposes by February of the reporting year.

The information reported on the following pages is organized first as statewide totals and then by BOCES areas.

STATEWIDE TOTALS

This section contains:

Figure 1: A map of New York State showing the major planning and development regions.

Figure 2: A chart and graph reporting the statewide total number of handicapped children served, 1982-83, 1984-85 and projected for 1986-87.

Figure 3: A chart and graph reporting the number of handicapped children by level of service.

Figure 4: A chart and graph reporting the number of handicapped children placed in their home districts, in other districts or BOCES and other placements, including private schools both in and out of the State.

Figure 5: Charts reporting the number of handicapped children provided preschool and summer programs by the counties, 1983-84 through 1985-86.

Fig. 1: New York State's Planning and Development Regions.

NEW YORK STATE PLANNING AND DEVELOPMENT REGIONS

Fig. 2: The Total Number of Handicapped Children, Ages 3 through 21, Served in New York State, 1982-83, 1985-86 and Projected for 1988-89

A: Number of Children by Handicapping Condition

HANDICAPPING CONDITION	Actual 1982-83	Actual 1985-86	Projected: 1988-89
Learning Disabled (LD)	116,756	143,291	155,600
Emotionally Disturbed (ED)	44,116	46,700	45,400
Speech Impaired (SI)	41,408	36,012	30,000
Other Health Impaired (OHI)	4,650	8,131	11,000
Mentally Retarded (MR)	37,195	30,481	32,200
Orthopedically Impaired (OI)	4,090	2,977	3,000
Multiply Handicapped (MH)	7,193	10,679	10,800
Deaf (DF)	3,474	2,974	2,800
Visually Impaired (VI)	1,987	1,609	1,700
Autistic (AU)	1,233	1,383	1,400
Hard of Hearing (HH)	1,520	1,925	2,600
Deaf-Blind (D-B)	153	193	500
TOTAL - HANDICAPPED	263,825	286,355	297,000
TOTAL - ALL CHILDREN	3,275,873	3,178,916	3,013,699
PERCENT HANDICAPPED	8.1	9.0	9.9

B: How these Numbers are Changing

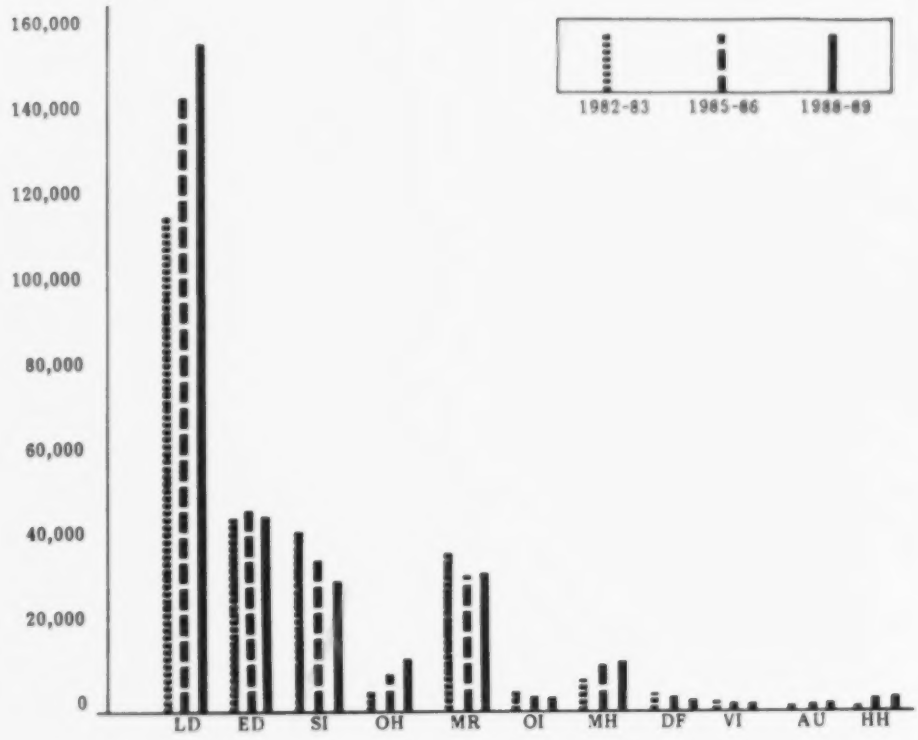

Fig. 3: The Number of Handicapped Children Served by Type of Program

A: Number of Children Served

TYPE OF PROGRAM	School Year 1982-83	1985-86	Projected 1988-89
Special Class, Special Day School or Residential Programs	152,358	164,549	148,500
Regular Class-Resource Room Programs	84,982	95,360	118,800
Regular Class and Related Services	26,485	26,446	29,700
TOTAL	263,825	286,355	297,000

B: How the Numbers are Changing

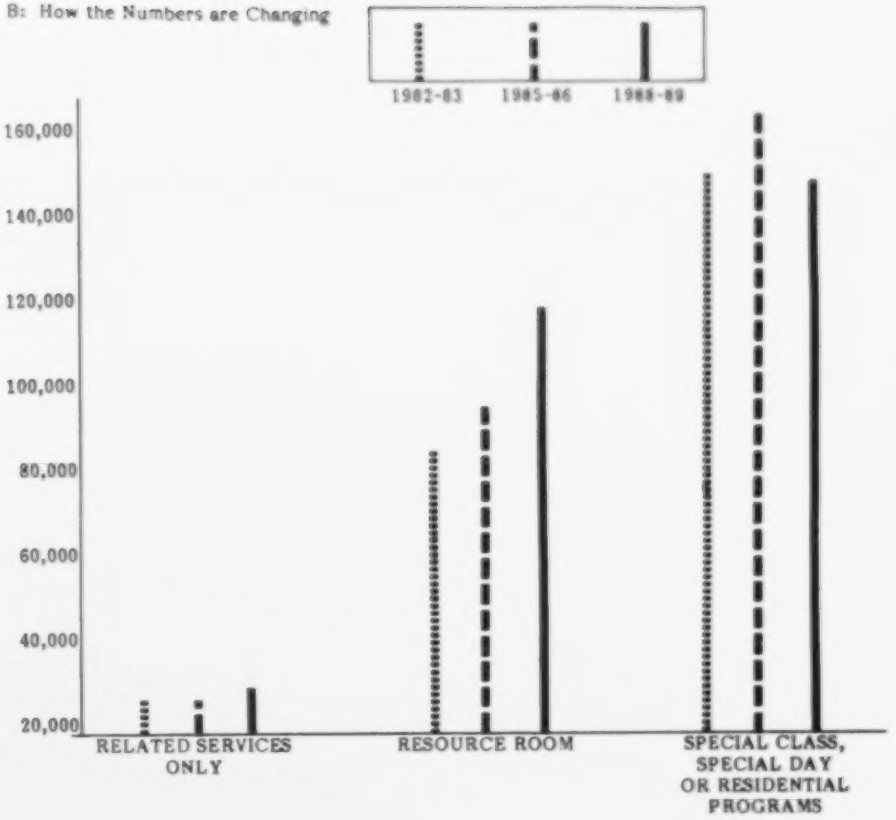

Fig. 4: The Number of Handicapped Children Served by Type of School or Program

A: Number of Children Served

LOCATION OF PROGRAM	School Year 1982-83	School Year 1985-86	Projected 1988-89
District Program	216,005	240,428	253,000
Regional Public Programs (BOCES)	23,408	23,181	23,000
Private and Others	24,772	22,746	21,000
TOTAL	263,825	286,355	297,000

B: How the Numbers are Changing

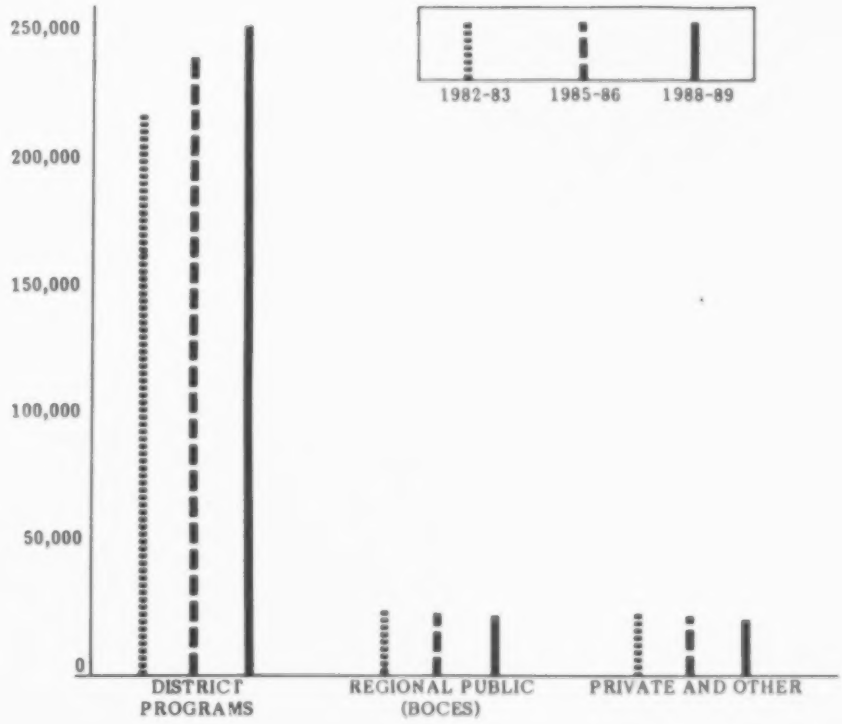

Fig. 5: The Number of Handicapped Children placed in Preschool and Summer Programs by County Family Courts

Preschool Placement for School Year 1983-84	1984-85	1985-86*	Projected 1986-87	COUNTY	School Age Summer Placements for School Year 1983-84	1984-85	1985-86*	Projected 1986-87
256	315	39		Albany	261	257	161	
42	58	62		Allegany	14	21	14	
118	153	154		Broome	66	66	88	
155	155	146		Cattaraugus	145	145	159	
74	79	66		Cayuga	7	5	**	
200	244	54		Chautauqua	145	242	26	
50	49	16		Chemung	11	16	13	
15	20	25		Chenango	17	30	25	
54	63	47		Clinton	29	21	30	
55	59	40		Columbia	59	64	38	
32	35	28		Cortland	10	17	9	
19	23	11		Delaware	12	23	23	
119	129	88		Dutchess	215	235	219	
1,190	1,001	502		Erie	1,010	1,356	1,319	
30	44	41		Essex	10	7	8	
25	41	54		Franklin	19	45	27	
35	39	34		Fulton	19	28	14	
132	163	166		Genesee	82	93	74	
32	34	33		Greene	26	33	30	
**	**	**		Hamilton	**	**	**	
33	45	35		Herkimer	10	14	32	
67	90	61		Jefferson	5	10	9	
21	19	**		Lewis	**	**	**	
62	87	86		Livingston	13	13	5	
102	98	72		Madison	72	89	96	
780	845	286		Monroe	404	424	228	
44	53	22		Montgomery	50	51	53	
735	807	227		Nassau	1,556	1,475	1,673	
262	295	219		Niagara	250	270	221	
149	194	180		Oneida	342	313	327	
492	524	335		Onondaga	663	691	790	

*As of September 11, 1985
**This represents a number of less than 5.

Fig. 5: The Number of Handicapped Children placed in Preschool and Summer Programs by County Family Courts

Preschool Placement for School Year 1983-84	1984-85	1985-86*	Projected 1986-87	COUNTY	School Age Summer Placements for School Year 1983-84	1984-85	1985-86*	Projected 1986-87
80	79	57		Ontario	9	16	11	
213	262	83		Orange	210	219	213	
56	70	64		Orleans	14	15	23	
71	87	94		Oswego	92	86	89	
31	32	**		Otsego	18	18	19	
68	63	**		Putnam	50	58	50	
193	192	132		Rensselaer	121	137	146	
252	252	55		Rockland	359	320	195	
36	46	0		St. Lawrence	5	10	6	
165	174	114		Saratoga	61	67	89	
139	148	131		Schenectady	117	114	118	
19	18	14		Schoharie	16	17	13	
11	8	9		Schuyler	**	**	**	
26	20	14		Seneca	5	**	**	
92	95	0		Steuben	10	13	11	
2,243	2,527	733		Suffolk	1,659	2,003	2,046	
101	103	59		Sullivan	124	164	144	
18	26	17		Tioga	12	10	13	
45	45	45		Tompkins	17	18	16	
133	170	143		Ulster	183	188	179	
72	71	43		Warren	22	20	19	
61	73	52		Washington	10	13	17	
90	98	75		Wayne	28	17	19	
464	424	143		Westchester	465	426	348	
62	59	42		Wyoming	22	14	13	
15	12	15		Yates	**	**	**	
				Manhattan (NYC)				
				Bronx (NYC)				
2,487	3,016	1,321		Brooklyn (NYC)	1,541	1,580	796	
				Queens (NYC)				
				Richmond (NYC)				
12,456	11,612	10,368		TOTAL	10,882	13,949	6,688	

*As of April 4, 1986
**This represents a number of less than 5.